

Hiring Process Manual



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The Hiring Process

Introduction One of the most important responsibilities you have as a supervisor/manager is to select employees who will best support and contribute to the Department's mission. While the Director is the official appointing authority, you have been delegated the responsibility for recruiting, interviewing, selecting, and evaluating employees. In every aspect of the hiring process, you should reflect the Department's commitment to provide equal employment opportunity by selecting the best qualified, skilled, and motivated candidates to join the DGS work-force. A chart of the [typical steps in the State's civil service selection process](#) can be accessed by clicking on the preceding link.

Purpose The purpose of this manual is to provide each supervisor/manager with a clear understanding of how to legally and effectively select the best candidate for a particular job by following the **eleven basic steps** in the hiring process. These steps are:

Step	Action
1	Job Assessment (Duty Statement Questionnaire)
2	Request for Personnel Action (RPA) Process <ul style="list-style-type: none">• Obtain approvals• Consider appointment options• SROA/Surplus process• Post and Bid process
3	Advertise the Position (Job Opportunity Bulletin-JOB)
4	Screen Applications
5	Prepare for Interviews
6	Conduct Interviews
7	Select the Best Candidate <ul style="list-style-type: none">• Employee Reference Checks
8	Make a Job Offer <ul style="list-style-type: none">• Medical Clearance
9	Document the Hire <ul style="list-style-type: none">• Retention of documents
10	Provide Employee Orientation
11	Conduct Probation/Performance Evaluation <ul style="list-style-type: none">• Supervisor's Working File

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The Hiring Process, Continued

Purpose
(continued)

It takes careful preparation and practice to develop good recruitment, interviewing, and selection skills. However, once mastered, these skills will enhance your ability to hire effective employees and assist you in complying with statutory and DGS policy requirements.

Step 1: Job Assessment (Duty Statement Questionnaire)

Overview

When a job opening occurs, the first concern must be to clearly and specifically know what you need and what the essential duties, critical competencies and specific skills are. In order to develop this critical information, we **strongly recommend** using Method 1. Method 2 and 3 are optional methods, which may provide additional information in the development of the job assessment.

Method	Action
1	Job Assessment: A process of systematically collecting, analyzing and documenting the essential requirements of the job. Use the Duty Statement Questionnaire and the Physical Requirements of Position form to complete the job assessment. An additional resources can be found in the “Essential Functions Duty Statement Manual”
2	Team Assessment: <ul style="list-style-type: none">• What would strengthen your work group’s ability to deliver improved services? Sources for this information are:<ul style="list-style-type: none">➤ Comments by your boss➤ Comments made by customers➤ Your own concerns or observations
3	Incumbent Assessment: <ul style="list-style-type: none">• Refresh your mind about anything that lent strength or weakness in the performance of the job• Pull out past performance appraisals and look at areas where you felt improvement was needed, areas you listed for training and development, etc.

By making a list of the information compiled in Method 1, you will have sufficient information to provide to your office’s Personnel Liaison (PL) to effectively complete the Request for Personnel Action (RPA) package as well as a head start in developing appropriate screening criteria and interview questions.

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Step 1: Job Assessment (Duty Statement Questionnaire), Continued

Introduction Before you start looking for people to hire, it's best to start by defining the need. To do this, you will want to create an essential functions duty statement. Don't confuse an essential functions duty statement with a classification specification. Classification specifications are used to bring structure to the organization and to establish salary ranges. Classification specifications can be found at the following site <http://www.spb.ca.gov/employment/spbpayrd.htm>. Essential functions duty statements are used to help you define what you are looking for in the position you are trying to fill. Creating an essential functions duty statement prior to beginning your search also helps you:

- Focus on the right questions to ask
 - Focus on performance and not personality
 - Identify the skills and abilities required of someone in the position
 - Communicate the job needs better
 - Create the foundation for setting the new employee's performance objectives
 - Keep you from changing the rules just because you like a particular candidate
 - Provide written documentation in case your process or decision is ever challenged
-

Classification specification Classifications specification documents are the legal and official description of a classification that has been adopted by the five-member State Personnel Board (SPB). Classification specification documents provide a broad description of a classification or classification series, which may include:

- A definition
 - Typical tasks performed
 - Minimum qualifications required, including license, certificate, education, and experience
 - Knowledge, skills, and abilities
 - Special personal characteristics
 - Additional desirable qualifications
-

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Step 1: Job Assessment (Duty Statement Questionnaire), Continued

Classification specification (continued)

The classification specification document has a variety of uses including:

- Allocating positions to appropriate classifications
 - Establishing internal relationships for salary administration
 - Identifying recruitment sources
 - Reviewing examination applications
 - Determining the scope of examinations and identifying critical classification requirements for selection purposes
 - Making appropriate eligible list determinations
 - Determining status rights of incumbents in a classification when a new classification is created by dividing or combining existing classifications
 - Making transaction determinations such as transfer, demotion in lieu of layoff, voluntary demotion, and retirement
 - Identifying in-service training needs
 - Facilitating employee performance appraisal and career development programs
 - Developing an essential functions duty statement
 - Providing a source of information for the Legislature, departmental staff, employees, and the general public
-

Job assessment

Before you start recruiting, it's important that you understand the job, its essential functions, and what characteristics will be required for a candidate to be successful in the job. The best way to ensure your understanding is to write down a complete description of the job and its specific tasks.

This process is often called "job assessment" since you are analyzing the position and its needs. When you conduct your assessment, you should complete the following three tasks using the Duty Statement Questionnaire:

- Conduct a job assessment to ensure you understand the job, its essential functions, and the appropriate candidate specifications. Your job assessment should contain:
 - ✓ An evaluation of the organizational needs that justify filling the position
 - ✓ A definition of the position's essential functions, duties, and responsibilities; and
 - ✓ A definition of the characteristics a person would need to be successful in the position
-

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Step 1: Job Assessment (Duty Statement Questionnaire), Continued

**Job
assessment**
(continued)

- Write out a list of candidate specifications, including:
 - ✓ Educational requirements
 - ✓ Experience requirements
 - ✓ Required skill sets
 - ✓ Required knowledge and expertise
 - ✓ Required behavioral characteristics
 - ✓ Required physical characteristics
 - ✓ Required mental characteristics
- Define the position's essential functions. A function may be considered essential when:
 - ✓ The reason the position exists is to perform that function;
 - ✓ There is a limited number of employees available among whom the performance of that job function can be distributed;
 - ✓ The function is highly specialized and the incumbent in the position is hired for his/her expertise or ability to perform the particular function;
 - ✓ The employee actually performs the function; and
 - ✓ Removal of the function would fundamentally alter the job.

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Step 1: Job Assessment (Duty Statement Questionnaire), Continued

Quiz

Job Assessment

Below are some problems to test your knowledge of the information in this section.

1. Before you start looking for people to hire, it's best to start by defining the need.

___TRUE ___FALSE

2. Job assessment is simply a process of reviewing the classification specification and making a few notes about educational and experience requirements.

___TRUE ___FALSE

3. Which of the following is **not** one of the activities in the job assessment process: (Check the answer you think is correct.)

___evaluate the organizational needs that justify filling the position

___determine the salary band and starting salary requirements of the candidate

___define the position's essential functions, duties, and responsibilities

___define the characteristics a person would need to be successful in the position

Quiz answers [Click here for the answers.](#)

Step 2: Request for Personnel Action (RPA)

Overview	<p>A Request for Personnel Action (RPA) form tells the Classification and Pay (C&P) Analyst in the Office of Human Resources (OHR) what a supervisor/ manager, in collaboration with his/her Personnel Liaison (PL), wants to do with an existing vacancy and/or incumbent within his/her division/office/branch. Click here to view the Automated Request for Personnel Action Process Flow Chart.</p> <hr/>
Obtain approvals	<p>Due to continued budget reductions, personnel realignments, and salary savings issues, the Deputy Director of the Management Services Division (MSD) shall review requests to start the hiring process as well as requests to hire the selected applicant.</p> <p>Submit your requests via e-mail to the Deputy Director of the Management Services Division with a copy to the Chief, Office of Fiscal Services; the Chief, Office of Human Resources; and your Classification and Pay (C&P) Analyst. The e-mail shall include:</p> <ul style="list-style-type: none">• If an RPA is in “created” status awaiting MSD approval, include RPA number• Position number• Classification title• Date position became vacant• If applicable, post and bid information• Justification for filling the position• Impact on your salary savings requirement <hr/>
Consider appointment options	<p>There are many different appointment options for filling a vacant position. The following are typical methods the DGS uses to fill vacancies. For a complete list of appointment options, click on Hiring Options Guide.</p> <ul style="list-style-type: none">• List appointments, which include reemployment, State Restrictions of Appointment (SROA), open, or promotional• Surplus candidates (equal to SROA candidates)• Transfers, which include inter- or intra-department candidates• Training and Development (T&D) assignments• Reinstatements• Post and Bid, if applicable <hr/>

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Step 2: Request for Personnel Action (RPA), Continued

SROA/surplus process **All qualified SROA and surplus employees must be contacted and if interested, interviewed for the position.**

The SROA/Surplus process was set up to assist employees facing pending layoff by giving them priority consideration for placement in other State departments.

- SROA employees are individuals in specific classifications in departments designated by the Department of Personnel Administration (DPA) as in fact facing the lay-off process due to significant budgetary/personnel reductions. These employee names are provided to departments on the official hiring certification for the vacant classification. They **shall** be formally contacted and if interested, interviewed for the position. Supervisors can either make telephone contacts or request through the RPA that contact letters be sent.
- Surplus employees are those in designated classifications in certain departments that have excess staff, but who may not be facing the immediate necessity for lay-off. This often occurs because of reorganizations or loss of reimbursable funds. (Employees on SROA lists are also considered surplus when they apply for positions related to their classification.) If surplus employees respond to a job bulletin, they must be treated the same as SROA employees noted above. When openings occur, your C&P Analyst checks the applications of these employees to determine eligibility for appointment to the position.
- Super SROA procedures (Bargaining Unit 2 and Bargaining Unit 9) apply to represented classifications in these bargaining units. Existing contract language requires that departments filling vacancies shall offer positions to employees facing layoff, demotion in lieu of layoff, or mandatory geographic transfer who meet the minimum qualifications for the vacancy being filled, provided that the vacancy is equivalent in salary and responsibility and in the same geographic area and bargaining unit.

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Step 2: Request for Personnel Action (RPA), Continued

Post and bid definition/ explanation

Post and bid (P&B) is a provision covered under the Memorandum of Understanding (MOU), which gives **permanent full-time employees**, who have completed their probationary period, the mandatory right to transfer to another position within their classification in the department based on seniority.

The DGS has three bargaining units that are subject to P&B (R12, R13, and R15). For R12 employees in the Telecommunication Series, there is a special process for these classifications. Refer to the MOU for more information on this process. The MOUs can be found at <http://www.dpa.ca.gov/collbarg/contract/bumenu.shtm>.

When P&B is required

R12:

P&B is required when the hiring supervisor/manager decides to fill a vacancy, including a change in tenure of a position from limited-term to permanent. A vacancy shall be deemed to exist, when a permanent full-time position is unoccupied as a result of retirement, transfer, termination, resignation, reassignment, new position, promotion, change in tenure to permanent, or new funding and the hiring supervisor/manager decides to fill it. This includes promotion-in-place, shift changes or workweek schedule changes that would be subject to Local P&B process.

R13:

P&B is required when a position is unoccupied as a result of retirement, transfer, termination, resignation, death, reassignment, new position, promotion, change in tenure to permanent, or new funding and the hiring supervisor decides to fill it. This includes promotion-in-place, shift changes or workweek schedule changes that would be subject to Local P&B process.

R15:

P&B is required when a permanent full-time position is unoccupied as a result of retirement, transfer, termination, reassignment, or new funding. P&B shall be implemented in local management units that have full-time employees in the same classification and where a variety of work schedules (days off, shifts, etc.) exist. For R15, shift changes or workweek schedules are not subject to P&B.

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Step 2: Request for Personnel Action (RPA), Continued

P&B process In order to fully understand the P&B process, refer to the Personnel Operations Manual (POM) section on Post and Bid for a complete explanation of the policy, process and procedures governing P&B:
http://www.documents.dgs.ca.gov/ohr/pom/PostandBid_Revise.pdf .

When an RPA is required An RPA package is required for all personnel transactions **except** modification to work schedules (unless the classification is subject to Post and Bid), range changes, out-of-class assignments, or separations.

The type of action you want to take on a vacancy/incumbent is dependent upon what you want to do with the vacancy/incumbent. After deciding what you want to do, you will be able to select the appropriate type and action of the RPA.

This process is explained in the [RPA Workflow Manual](#). We strongly encourage you to read the manual prior to initiating an RPA package and or discuss the process and procedures with your Personnel Liaison.

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Step 2: Request for Personnel Action (RPA), Continued

Components of a complete RPA package

Components of a complete RPA package include:

- ✓ Approval to recruit from the Deputy Director, Management Services Division (MSD)
 - ✓ Auto RPA form, including a justification for action, if applicable
 - ✓ Justification
 - ✓ Essential functions duty statement and former duty statement, if reclassifying the position
 - ✓ Physical Description of Position form, if not already on file
<http://www.documents.dgs.ca.gov/ohr/pom/Physical Requirements of Position form.doc>
 - ✓ Draft job opportunity bulletin (JOB)
 - ✓ Current and proposed organization charts as attachments to the Auto RPA
 - ✓ Training and Development (T&D) assignment plan ([GS 1089T](#)), if applicable
 - ✓ Post and Bid form (Click here for [sample forms](#))
- The RPA Workflow manual is located at <http://documents.dgs.ca.gov/hr/UserGuides/RPA.doc>.
 - The Essential Functions Duty Statement Training manual is located at <http://www.documents.dgs.ca.gov/ohr/GuidesManuals/EFManual10-05Revise.pdf> . Click this link for the [EF Duty Statement Template](#).
 - How to construct a JOB is located at <http://www.documents.dgs.ca.gov/ohr/pom/JOB.pdf>.
 - The construction and content of organization charts is located at <http://www.documents.dgs.ca.gov/ohr/pom/Organization Charts.pdf>. Click here for a [sample organization chart](#).

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Step 2: Request for Personnel Action (RPA), Continued

Justification for action

A brief justification statement indicating the proposed effective date of your action (if known) and status of the prior incumbent (i.e., retired, promoted in another unit, or transferred to another department) on the Auto RPA form is sufficient for a routine transaction such as filling a vacancy. A more detailed justification memorandum must be attached to the Auto RPA whenever you:

- Reclassify and fill
- Demote
- Promote
- Fill by a Temporary Authorization Utilization (TAU)
- Fill by a Training and Development (T&D) Assignment
- Make an emergency appointment
- Move employee to Blanket
- Transfer
- Fill a position with a limited-term appointment
- Substantially change the duties of the position

The purpose of a justification is to provide relevant background information, discuss how the proposed classification satisfies the classification specification and/or classification allocation standards for the classification, and describe how the duties of the position fit into the role of the unit or the mission of the department. The justification attachment, if there is insufficient room on the Auto RPA form, is intended to amplify/clarify the essential functions duty statement and organizational chart placement. The following table depicts the questions that should be answered in the justification, if applicable.

What has changed in the duties and responsibilities of the position? (Include changes that have taken place in the organization mission, structure, workload, backlog(s), special project(s), etc.)
What is the level of responsibility for the classification/position?
What is the complexity and sensitivity of the position?
What is the independence of action for the position?
What is the initiative and originality of the position?
What is the consequence of error of this position? (Include the level of authority to make commitments, responsibility for decisions, etc.)
What is the type of contact and relationship with others?
Is there a change in the position's supervisory relationship? If so, to whom?
How will the duties of the old position now be handled? (No longer exist, why?; handled by another, who/why?; etc.)
Any additional information that justifies the position action.

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Step 2: Request for Personnel Action (RPA), Continued

Essential functions (EF) duty statements

The primary purpose of an essential functions duty statement is to identify the **essential functions** and non-essential functions of a position. According to the Equal Employment Opportunity Commission (EEOC), **essential functions** are those tasks or functions of a particular position that are **fundamental** to the position (as opposed to non-essential) that an employee **must** be able to perform (with or without reasonable accommodation). Non-essential functions characterize duties that are performed but are not essential to the job.

A job function may be considered essential for several reasons, including, but not limited to the following:

- The function may be essential because the reason the position exists is to perform that function
- The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed
- The function may be highly specialized so that the incumbent in the position is hired for his/her expertise or ability to perform the particular function

Two other criteria are important in defining essential functions:

- The employee must actually perform the function; and
- Removal of the function would fundamentally alter the job.

Conversely, any other activity that is performed will be considered a non-essential function or requirement of the job.

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Step 2: Request for Personnel Action (RPA), Continued

Essential functions (EF) duty statements (continued)

Some advantages of identifying **essential functions** and non-essential functions of the job are:

- It provides clearly written expectations about why the job exists, what the incumbent in the job is responsible to accomplish, and what is required to be able to effectively perform in the position.
- It assists a supervisor in the selection process in creating legal and appropriate interview questions and selection techniques.
- It provides the information needed to effectively recruit a successful candidate into the position.
- It details the expected results so that performance expectations can be articulated, communicated, measured, and documented in some form of performance evaluation.
- It affords a communication vehicle to allow for job bidding, promotional opportunity and career development within an organization.
- It provides a defensible document from which a failing employee's performance can be compared and required improvements can be communicated and measured.
- It provides a foundation for consistency in communication and a document from which incumbents and their managers can be held accountable.
- Under the Americans with Disabilities Act (ADA), supervisors might be called upon at any point in the employment relationship to provide reasonable accommodation so that an employee can perform the essential functions of the job in question. An appropriate analysis of a reasonable accommodation request is not possible without knowing what duties are essential to performance.
- Should it be necessary for you to order a fitness for duty examination, it is critical that the examining medical practitioner be provided with an accurate description of the essential functions that must be performed. Short of this, it is not possible for the examination process to determine an employee's fitness for duty without knowing what duties are essential to performance.

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Step 2: Request for Personnel Action (RPA), Continued

Essential functions (EF) duty statements (continued)

The EEOC regulations list the types of evidence they would look for in determining whether a function is essential. The list includes:

- The employer's judgment as to which functions are essential (this includes the supervisor and others that are likely to have knowledge of the job)
- A written job assessment (Duty Statement Questionnaire) prepared before advertising and/or interviewing applicants for the job
- The amount of time spent on the job performing the function
- The consequences of not requiring the incumbent to perform the function
- The work experience of past incumbents in the job
- The current work experience of incumbents in similar jobs

Clearly the importance of thoroughly describing the essential functions cannot be overemphasized. So begin with what exists today. Review current classification specifications, previous essential functions duty statements, instructions for workers, organization charts, performance reviews, production process descriptions and all other written materials that exist for the job. Interview supervisors, managers, incumbents, co-workers and subordinates. Review the job's position within the organization and its relationship to other jobs. Remember that observation of actual work activities produces the best evidence of essential functions. And, if in doubt, ask your C&P Analyst for assistance.

For a complete discussion of essential functions, you are strongly encouraged to participate in the Essential Functions Duty Statement Training offered through the Classification and Pay Unit or use the manual online at <http://www.documents.dgs.ca.gov/ohr/GuidesManuals/EFManual10-05Revise.pdf> . Contact the Classification and Pay Unit for information regarding the next available class.

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Step 2: Request for Personnel Action (RPA), Continued

Format and components of an EF duty statement

The format of the essential functions duty statement is available in the RPA Workflow program; you only need to fill it in and/or copy and paste from a Word document.

The components of an essential functions duty statement are:

- Essential functions with percentage of time and task statements written as a complete statement (there are five components to a complete task statement). Refer to the Essential Functions Duty Statement Training Manual for guidance. [This is a required field.]
 - Non-essential functions with percentage of time and task statements written as a complete statement. [This is a required field.]
 - Knowledge, skills and abilities required of the position (generally copied from the classification specification). [This is a required field.]
 - Desirable qualifications, such as special personal characteristics, interpersonal skills, additional qualifications, etc. [This is an optional field; however, very necessary for developing selection criteria.]
 - Work environment, physical or mental abilities required to perform duties. [This is a required field.]
-

Additional tips, considerations, questions and forms

Click on the following links to assist you in the RPA process and/or EF duty statement development:

- [Questions to Get You Started](#)
 - [Items to Consider](#)
 - [Worksheet for Task Statements](#)
 - [Miscellaneous Tips, Considerations and Questions to Think About when Completing an RPA](#)
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Step 2: Request for Personnel Action (RPA), Continued

Organization chart

Definition and/or Explanation

Organization charts provide an overview of the organizational unit and a ready reference to each position's placement within the organization. The organization chart depicts the reporting relationship between positions and provides a basis for understanding the various levels of supervision and distribution of responsibilities.

Organization charts typically are pyramidal in shape and show the person in charge at the top. Clustered below them are their subordinates. Individuals shown on the same horizontal level in the organization chart are perceived to be “peers” within the organization.

Positions in DGS have been approved and classified based on the work assigned **and** their reporting relationship to other positions within the department. For that reason, how DGS organizes (or reorganizes) may influence not just one position, but several.

When to Update and Submit a Chart

Organization charts are updated:

- on an annual basis, which must include the Office/Division chief's signature (hard copy by the 10th of July)
- monthly to your assigned C&P Analyst (no later than the 10th of each month [electronically])
- required whenever the following changes occur, generally submitted through the Auto RPA process:
 - To fill a vacant position (current chart only)
 - To fill a new position (current and proposed charts)
 - To reclassify a position (current and proposed charts)
 - To transfer an employee and/or a position to another unit/location (current and proposed charts)
 - Reorganization of structure (current and proposed charts)

WARNING!!

BEFORE making **any** personnel changes, realignments or reorganizations they **shall** be reviewed and approved by your Classification and Pay (C&P) Analyst.

Chart Format

Organization chart format is discussed in detail in the Personnel Operations Manual (POM) section on organization charts located at http://www.documents.dgs.ca.gov/ohr/pom/Organization_Charts.pdf.

Step 3: Advertise the Position (Job Opportunity Bulletin – JOB)

Overview

In order to advertise a vacancy, a draft job opportunity bulletin (JOB) must be submitted with the RPA package. The JOB is constructed from the EF duty statement. Simply put, the JOB is an exact copy of the EF duty statement. Refer to the Personnel Operations Manual (POM) section on [Job Opportunity Bulletins](#), [RPA Process](#) on how to fill vacant positions, and the Essential Functions Duty Statement Manual at <http://www.documents.dgs.ca.gov/ohr/GuidesManuals/EFManual10-05Revise.pdf> for assistance in constructing your JOB.

Introduction

The job opportunity bulletin (JOB) is the primary recruitment tool. The JOB is widely distributed to other State departments and others as requested. If you want to advertise in other recruitment sources, the cost of publication must be paid by your program. Other sources include:

- Print advertising (newspapers, periodicals, etc.)
- Job fairs
- Direct mail
- Radio
- Television
- Internet

By carefully selecting publications and/or internet sites in which to advertise, it is possible to “target” recruitment to attract individuals with highly specialized technical or professional training and experience, and underutilized women, minorities, and other groups.

Refer to the Personnel Operations Manual (POM) section on [Advertising Vacant Position](#) for specific criteria.

Note: Your C&P Analyst **shall** review the proposed advertisement prior to publication.

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Step 3: Advertise the Position (Job Opportunity Bulletin – JOB),

Continued

JOB

The JOB is a recruitment vehicle used to advertise vacant positions. A JOB is typically copied from the essential functions duty statement onto the JOB form and submitted through the Auto RPA process. However, you may want to “enhance” the JOB by making the position more inviting such as, “Free Parking,” “Onsite Exercise Room Available,” etc. The intent of a JOB as a recruitment tool is to:

- Provide advance notice of the employment opportunity for employee movement
- Provide the duration, location, hours of work, contact person, final file date, and selection criteria of the employment opportunity
- Provide either focused or wide area distribution
- Provide a consistent format throughout the department
- Provide clearly written expectations about why the job exists, what the incumbent in the job is responsible to accomplish, and what is required to be able to effectively perform in the position
- Provide information needed to effectively recruit a successful candidate into the position
- Provide verification of notice in accordance to applicable laws and rules for:
 - ✓ An audit by a control agency
 - ✓ Background information relating to a grievance/complaint
 - ✓ Historical documentation relating to potential layoff

NOTE: There is a **minimum ten working days posting period**. However, you may request a longer posting period, which should be indicated on the Auto RPA form. Additionally, if circumstances warrant, you may request a shorter publicity period through your Classification and Pay (C&P) Analyst, except post-and-bid positions.

Step 4: Screening Applications

Overview

Screening applications benefits both you, as the hiring supervisor and the applicants who have applied for your vacancy. The screening process starts when the Certification Unit and or JOB contact person receives applications in response to either a JOB or a contact letter. The following table depicts the steps and actions in the screening process.

Screening Process	
Step	Action
1	A designated employee should date stamp all incoming applications/resumes and separate the EEO data flaps from the applications (usually the last page of the application). The EEO data flaps are then destroyed by confidential shred. (It is illegal to retain this data for hiring purposes.)
2	Prior to setting up interviews, the C&P Analyst shall be provided with the name and social security number of the top 3-5 qualified applicants for eligibility verification. Note: On a case-by-case basis, the C&P Analyst may authorize the hiring office to proceed with interviews prior to eligibility verification. HOWEVER, no job offer can be made, including tentative, until the C&P Analyst has verified the top three to five interviewed applicants.
3	Upon verification of the applicant's eligibility, you may want to do additional screening of the applications. This second screening will provide a candidate group of an appropriate size. When screening applications, each application shall be screened using job-related standards based upon the criteria listed on the EF duty statement, the JOB, and the classification specification. You must be able to defend any cut-off point you decide upon when screening. (Refer to State Personnel Board [SPB] "pinkie" dated, July 20, 1988 at http://www.spb.ca.gov/docs/pinkies/p072088.pdf .) The supervisor, using the JOB and classification specification develops 3-5 application screening criteria (click here for examples). At the same time, the supervisor develops the selection criteria (click here for a discussion) and rating guide (click here for examples). For additional screening criteria assistance refer to the POM section " RPA Process ."

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Step 4: Screen Applications, Continued

Screening

Applicant screening **shall** be non-discriminatory. The purpose of the application screening is to select the most highly qualified individuals for referral to the next step of the selection process, the interview. It is the first opportunity to begin assessing applicants against the established minimum and preferred requirements for the position (EF duty statement). This screening also includes SROA/Surplus candidates. **Make a copy of the application on which to make notations. Using a copy will eliminate the potential for discrimination charges as the original application will be used.**

To improve the application screening process:

- **Review all materials presented by the applicant.** Often a resume provides more detail than an application; and may highlight or contradict what is contained in the formal employment application.
- **Check the internal consistency of the information.** For example, if an applicant lists that s/he has supervised 20 people and reported directly to the president of the company, but earned only \$1,000 per month, clarification is needed.
- **Be careful not to make unwarranted inferences.** For example, a high school diploma is not necessarily evidence of satisfactory business writing skills.
- Remember that it is almost impossible to make fine distinctions between applicants on the basis of application/resume alone, since the data on the form is limited and may be subject to distortion. At this stage of the selection process, it is best to group applicants into only a few categories such as unqualified (doesn't meet **minimum** qualifications), marginal (meets minimum qualifications only), and qualified (exceeds minimum qualifications) based on an evaluation of the JOB and each applicant's qualifications.
- Provide your C&P Analyst with the names and social security numbers of the top 3-5 qualified applicants for eligibility verification **prior to** scheduling interviews.

By the time job applicants reach the actual selection interview, they have already passed a careful evaluation of their education and experience and are considered to possess at least minimum qualifications for the particular job.

Step 5: Prepare for Interviews

Overview

Preparing for hiring interviews consists of scheduling a private place in which to conduct the interviews, securing an interview panel (minimum of two members), and developing the questions needed to elicit the job-related information required to be able to select the best candidate for the job.

A key consideration when developing job-related interview questions is, “What does the question asked have to do with the job to be performed, and how will the answer assist the panel in evaluating the applicants?”

Introduction

A person’s ability to perform is demonstrated by their behavior. What they know about a process or discipline is less important than how well they are able to apply their knowledge and skills in a specific set of circumstances. To predict an individual’s potential for success, we must examine their past behaviors. In the interview process, one thing is true:

**Past behavior
is the best predictor
of future success.**

The value of having an essential functions duty statement is that it is now become the basis for preparing your interview questions. In this segment you will learn how to:

- Formulate open-ended questions that will encourage a candidate to describe specific situations, experiences, or tasks as they relate to the requirements of the job you have open
 - Write out your questions to ensure that you cover all the main points in the interview
 - Focus on factors related specifically to the job since factors not related to the job often lead to charges of discrimination
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Behavior-based questions

A great resume, extensive education and experience, and sterling references don’t mean much if an employee is unable or unwilling to perform on the job. As we mentioned earlier, past behavior is the best predictor of future success. But how do you learn about a candidate’s past behavior?

You get a good glimpse of a candidate’s past behavior by asking behavior-based questions during the interview. These questions are designed to have the candidate describe his/her past behavior in circumstances similar to those surrounding the job you are trying to fill.

Continued on next page

Step 5: Prepare for Interviews, Continued

Behavior-based questions (continued)

To formulate these questions, review your essential functions duty statement and pick out the behavioral skills required to effectively perform the job. For example, the job may require a person with strong planning skills or the ability to persist against opposition to accomplish their objectives. Your questions should be open ended. Start by describing the circumstances surrounding the job, and then ask the candidate to describe his/her experiences in similar circumstances.

For example, to determine a candidate's persistence, you might ask: "Describe for me a work situation where you had to overcome resistance. What were the circumstances, how did you deal with the resistance, and what was the outcome?"

Key questions

The questions listed below have been designed using the behavior-based interview technique and are grouped according to competency. Thirty-one competencies are considered "core competencies." A few of these competencies are discussed below. Other competencies are discussed in the [Essential Functions Duty Statement Manual](#). Review these questions to see which ones might work for you. Or, use these as examples to develop your own behavior-based questions. Mix in some of these questions with your technical questions for a well rounded view of the candidate. When writing out your questions, focus on the skills necessary to perform the job you are trying to fill. Think about the essential functions, duties, challenges, and the environment in which the job exists. After reviewing these questions, you might also want to visit the topic on job dimensions to see what other questions you might formulate to fit your specific needs. Additional competency based questions, what the response should indicate and/or answers may be accessed by clicking the following link: <http://www.documents.dgs.ca.gov/ohr/pom/COMPETENCY BASED INTERVIEWING.doc>

Technical Skills

1. What has been your most significant accomplishment that required extensive specialized knowledge of a specific area?
 - Walk through step-by-step what you did.
 - What did you learn during that work?
 - What was the end result of it all?
 - Since then, how have you used that knowledge?
2. What do you do to keep up-to-date in your field?
3. What regular professional reading do you do?
4. What is the most recent, outstanding idea you have learned about in your field?
5. Tell me about the last time you were surprised by some development or finding in your own area of expertise.
6. Tell me about the most difficult technical challenge you have ever faced. What happened? How did it turn out?

Step 5: Prepare for Interviews, Continued

**Key
questions**
(continued)

Problem Solving

1. When was the last time you made a decision or solved a problem which required a lot of hard thinking and careful analysis on your part?
 - Tell me about it, starting with when you first learned about the problem.
 - How did you go about analyzing the situation?
 - What alternative solutions did you consider?
 - What solutions did you decide to try?
 - Why did you pick that particular solution?
 - Tell me what steps you took to gather additional information to help in making your decision.
 - What additional information would you like to have had before deciding?
 - Why didn't you get it?
 - Tell me how you implemented your solution, including particular difficulties you had to overcome.
2. Describe the time you felt you were most resourceful in solving some problem or in coming up with an improvement.
 - Where did your ideas come from?
 - How and with whom did you check your ideas as you proceeded?
 - What was the result?
3. Tell me about a time when you made a quick decision that you were proud of.
4. Tell me about a time when you had a problem with decisiveness and how you handled that.
5. What has been your experience when dealing with poor performance of subordinates or peers?
 - Give me a specific example.

Continued on next page

Step 5: Prepare for Interviews, Continued

**Key
questions**
(continued)

Following Through

1. Describe the biggest project which you had to see through from beginning to end.
 - How did you coordinate necessary activities?
 - How did you monitor progress?
 - What obstacles did you encounter?
 - How did you overcome them?
2. Tell me about the most serious error that has slipped by you.
 - What was it?
 - How did it happen?
 - What were the consequences?

Organizing

1. How do you organize your work and schedule your own time?
2. What specific system or method do you use in organizing your work?
3. What specific things were you trying to accomplish yesterday?
 - When did you decide to schedule those tasks for yesterday?
 - Did you write these tasks down anywhere?
 - Did you plan the amount of time you would spend on each task or when you would do them?
 - How did you modify your plan as the day progressed?
 - If you failed to complete any items, what happened to prevent you from doing the items?
4. When do you typically decide on what you will do each day?
5. Tell me about the period of time your work has been the most hectic.
 - What did you do to keep it under control?
 - What did you do when you were “stretched out the thinnest”?
 - What work got placed “on the back burner”?
 - What made you decide to delay those specific items?
6. Think of a day when you had many things to do and tell me how you organized and scheduled your time.
7. Tell me about an important goal you set for yourself in the past and how successful you were in accomplishing it.

Continued on next page

Step 5: Prepare for Interviews, Continued

**Key
questions**
(continued)

Handling Details

1. Describe the last project in which you had to make sense out of a mass of complex or difficult information.
 - How much information was there?
 - What made it so complex?
 - How did you go about finding what you needed?
2. Tell me about the biggest error you have made because you overlooked an important detail.
 - What was the situation?
 - What were the consequences of the error?

Speaking and Listening

1. What was the last presentation you made before a group?
 - How did you prepare?
 - Who was the audience?
 - What was the response?
2. How comfortable are you in such situations?
3. How often have you made such presentations?

Continued on next page

Step 5: Prepare for Interviews, Continued

**Key
questions**
(continued)

Human Relations

1. Tell me about the worst disagreement you have had with a coworker, boss, or someone else at work.
 - What did each of you say?
 - What was the discussion like when it was the most heated?
 - How did both of you show your frustration or anger?
 - How was it resolved?
 - How was your relationship with that person after the incident?
2. On what project was it most important for you to coordinate with another unit or an outside organization?
 - What was the project?
 - What did you do to facilitate coordination and cooperation?
 - What difficulties did you encounter?
 - How did you handle them?
 - What was the outcome?
3. You have heard the phrase “Shoot from the hip” tell me about a time you had to do that.
 - Describe the situation?
 - How did it turn out?
 - Were you comfortable in that situation?
4. Tell me about a time when you were in the middle of a project and your boss or another senior manager stopped you abruptly and redirected most all your efforts to a new assignment.
 - What happened?
5. What types of things have made you angry and how did you react to them.
6. You know the expression “roll with the punches” well tell me about a time when you had to do that when dealing with a person.
7. Give me an example of a clever way of motivating some one.
8. Describe a time when you communicated some unpleasant feeling to a supervisor.
 - What happened?
9. What experience have you had with a miscommunication with a customer or fellow employee?
 - What happened?

Continued on next page

Step 5: Prepare for Interviews, Continued

**Key
questions**
(continued)

Documenting

1. What project required you to produce the greatest amount of paperwork?
 - What types of materials did you produce?
 - How did you organize these materials?
 - How did you keep track of these materials?
2. Tell me about the most serious instance in which you failed to provide adequate documentation.
 - What was the situation?
 - How was the documentation inadequate?
 - What were the consequences?

Achieving Results

1. What was the most difficult task or project you have been assigned?
 - What made it so difficult?
 - How did you go about performing it?
 - How long did you wait before beginning work on it?
 - What encouragement did you get (from your boss, for example) to start working or keep working on it?
 - How long did it take you to finish the assignment?
 - How long before or after your deadline did you get it done?
2. Describe your best achievement and how you accomplished it.
 - What was the achievement?
 - How did you go about it?
 - How much effort did you put in?
 - What obstacles did you encounter?
 - How did you overcome them?
 - What was the result?
3. Tell me about an assignment where the direction of the project became unclear?
 - What did you do?
 - How did it turn out?
4. What were some of the major obstacles to be overcome on your last job and how did you deal with them?
5. Tell me about a time when an upper level decision or policy change held up your work.
 - How did you deal with it?

Continued on next page

Step 5: Prepare for Interviews, Continued

**Key
questions
(continued)**

Work Commitment

1. What was the most long-term, sustained, extra-hours effort you have ever put in?
 - What was the assignment or project?
 - In what ways did you put out extra effort to get the job done?
 - How successful were you on it?
2. Tell me about the last time you had to choose between producing a quality product and meeting a deadline.
 - What was the project?
 - What did you sacrifice?
 - How did you arrive at that decision?
3. Describe a time when to meet a customers needs you felt it might be justified to break company policy or procedure.
4. Tell me about a time when you stuck to policy when it might have been easy to look the other way.
 - How did it turn out?
5. Tell me about a time when you had to do a job that was particularly uninteresting.
 - How did you deal with it?

Working Independently

1. Did/does your most recent supervisor give you too much direction or not enough?
 - Describe an instance which best demonstrates this.
 - What problems did this cause for you?
2. Tell me about the last time you worked independently on a project.
 - What was the project?
 - How did you obtain the necessary information?
 - What direction did you solicit?
 - What was the outcome?
 - How did you feel about working alone?
3. Tell me about the most aggressive project you ever started.
 - Pick one that wasn't an assigned project but where you perceived a need that was not being addressed.
4. What types of decisions do you make in your current position without consulting your boss?
5. Have you ever had to make a sticky decision when no policy existed to cover it?
 - Tell me what you did.

Continued on next page

Step 5: Prepare for Interviews, Continued

Key questions (continued)

6. Describe a situation in your last job where you could structure your own work schedule.
 - What did you do?

Reliability

1. How often were you late for work in the last month?
 - What were the reasons?
 - How typical is this?
 2. Tell me about the time when you most needed to get away from work.
 - What did you do?
 3. How many times in a year do you feel as though you need to get away from work?
 - What do you typically do?
-

Interview techniques

Below are some techniques to remember when you develop your interview questions. These techniques will help ensure that you are receiving complete and accurate information so that you can hire the best candidate for the job.

Open Probes

An open probe is an open-ended question designed to have a person elaborate on his/her answer. A question that requires a yes/no answer or an answer of limited response is called a closed probe. In an interview situation, you should avoid using closed probes. Your objective is to listen while the candidate tells you about his/her skills, experience, knowledge, and behaviors. Use open probes to get the candidate talking.

Continued on next page

Step 5: Prepare for Interviews, Continued

Interview techniques (continued)

Situational Questions

A situational question is one where you describe a particular set of circumstances and then ask the candidate to describe their experiences in a similar set of circumstances. For example, “This position has many responsibilities with often conflicting priorities. Tell me about a situation on your last job where you had to deal with two top-level priorities that were opposed to one another. How did you resolve the conflict? What was the result?”

Allow Silence

Many times, candidates are not prepared for the specificity of behavior-based questions. They may hesitate to answer or say that they can’t think of an answer. Because you’ve asked the question, it is reasonable for you to expect an answer. Offer the candidate some time to think by saying something like, “We’ve all had experiences like the one I’ve just described. Go ahead and take a couple of minutes to remember a situation and then describe it to me.” Don’t be uncomfortable with the silence that will follow. Give the candidate plenty of time to think of an answer. Usually, the candidate will come up with a reasonably good response in just a few minutes.

Seeking Contrary Evidence

No one is all good or all bad. When you get an answer to a question that is exactly what you are looking for, before you decide that this is the right candidate, seek contrary evidence. When you get an answer to a question that appears to disqualify the candidate, seek contrary evidence.

The idea here is to seek out a balanced view of the candidate. Everyone gets angry, everyone makes mistakes, everyone comes in late, and everyone has conflicts with other people. Conversely, everyone is competent given the proper circumstances, everyone has successes, and everyone can forge workable relationships. When you formulate your behavior-based questions, be sure to develop questions that solicit contrary responses to ensure that you get a balanced view of the candidate.

Continued on next page

Step 5: Prepare for Interviews, Continued

Interview techniques (continued)

Avoiding Theoretical or Hypothetical Questions

Many interviewers like to “talk shop.” Some like to present hypothetical situations to see how a candidate would react. The problems are these:

You’ve heard the phrase, “talking a good game.” Many candidates can discuss theory all day long but lack the ability to put the theory into practice on the job. Sometimes it’s important for a candidate to understand technical or professional theory, and in those circumstances, those types of discussions are valuable. But every employee at some time or other will have to put the theory into practice. Be sure to ask behavior-based questions to confirm that the candidate is more than just “hot air.”

What are you likely to get when you ask a hypothetical question? A hypothetical answer, probably. The problem with hypothetical questions is that the answers are generally pretty obvious. A candidate can tell you in all honesty how they think they would react in a particular situation, but that might not be the way they really would react or the way they have reacted in the past. Remember, past behavior is the best predictor for future success. Ask questions that are based on real-life behaviors.

Ask Each Candidate the Same Questions

One of the primary reasons for writing out your questions before an interview is so you will ask each candidate the same questions. Remember, you are trying to determine which candidate is best qualified to perform a specific set of duties. If you ask one candidate one set of questions and another candidate a different set of questions, when it comes time to make a decision, you’ll have no basis for comparison. Focus your questions on the job requirements, and ask each candidate the same questions. This way, you’ll ensure that you’re finding the best candidate for the job.

Continued on next page

Step 5: Prepare for Interviews, Continued

Job dimensions

Job dimensions are those intangible attributes that characterize the environment and scope of the position. Below are some examples, though they are by no means inclusive. As you review these examples, think of other job dimensions that are pertinent to the types of positions for which you might conduct interviews.

Adaptability

Maintains effectiveness in varying environments, responsibilities, and with various types of people.

Decisiveness

Ready to make decisions render judgments, take action, and commit oneself.

Initiative

Actively attempts to influence events to achieve goals; self-starting rather than passive or accepting. Originates action to achieve goals beyond what is normally expected.

Judgment

Develops alternative courses of action and makes decisions which are based on logical assumptions and factual information.

Organizational Awareness

Gains and uses knowledge of changing situations within the organization to identify potential problems and opportunities. Perceives the implication of decisions on other components of the organization.

Leadership

Utilizes appropriate interpersonal styles and methods in guiding individuals or groups toward the accomplishment of defined tasks.

Professionalism

Maintains mature, adult approach to situations and people during times of stress or conflict. Maintains social, ethical, and organizational norms in job-related activities.

Resilience

Handles disappointment and/or rejection while maintaining effectiveness.

Continued on next page

Step 5: Prepare for Interviews, Continued

Job dimensions (continued)

Work Ethic

Maintains appropriate dedication to the requirements of the job and the needs of the organization. Displays honesty and integrity in all job-related functions. Is present and punctual, and shows sincere desire to fulfill the designated duties and responsibilities of the job.

Conscientious

Able to organize or schedule people or tasks; to develop realistic action plans while remaining sensitive to time constraints and resource availability; having a well developed sense of ethics and integrity.

Likable

Able to modify one's own behavioral style to respond to the needs of others while maintaining one's own objectives and sense of dignity.

Undogmatic

Openness to experience from both the outer and inner worlds.

Extroverted

Able to work with people in such a manner as to build high morale and group commitments to goals and objectives.

Emotionally Stable

Able to maintain a mature problem-solving attitude while dealing with a range of stressful conditions such as interpersonal conflict, hazardous conditions, personal rejection, hostility, or time demands.

Skill-based questions

Now we want to develop questions that will help us evaluate whether or not the candidate has an acceptable skill level in each area we identified. Since our goal is to hire someone who can perform the job in a truly effective manner, evaluating the answers to these questions will be the main focus of the interview. You gather information by having the candidate tell you about specific situations from their past.

Write out open-ended questions that will encourage the candidate to give specific experiences about the past that emphasize the behavioral and technical skills you identified. Remember, sometimes one question may provide evidence useful in evaluating more than one behavioral skill.

Continued on next page

Step 5: Prepare for Interviews, Continued

Interview rating scale

Create a customized interview rating scale for the purpose of identifying the best qualified candidate(s). Click the following link for two sample interview rating scale documents: <http://www.documents.dgs.ca.gov/ohr/pom/InterviewRatingScale.doc> and <http://www.documents.dgs.ca.gov/ohr/pom/InterviewRatingScale2.doc>. The final rating for each candidate should be entered by each panel member (no less than two panel members per interview-the hiring supervisor and the subject matter expert) and discussed. A list of your best qualified candidates should be made for purposes of the reference check.

Quiz

Developing Interview Questions

Below are some problems to test your knowledge of the information in this segment. Check the answer you feel is most appropriate.

1. An open probe is an open-ended question designed to have a person elaborate on their answer.

___ TRUE

___ FALSE

2. To determine a candidate's persistence, you might ask: "Do you consider yourself a persistent person?"

___ TRUE

___ FALSE

3. Skill-based questions encourage a candidate to give specific experiences about the past that emphasize their technical skills.

___ TRUE

___ FALSE

4. You should seek contrary evidence to support your decision not to hire a candidate.

___ TRUE

___ FALSE

Quiz answers

[Click here for the answers.](#)

Step 6: Conduct the Interviews

Overview

To ensure that you are in full compliance with the law, prior to conducting your interviews, you need to understand the job's essential functions. A person is qualified for a job if s/he can perform the essential functions of the job, with or without reasonable accommodation. If you reject a person who can perform the job's essential functions, and that person is in a protected category, you may have to defend your decision to a third party. The Americans with Disabilities Act (ADA) emphasizes the need to define each job's essential functions. For detailed information on the ADA, visit the following site:

<http://www.jan.wvu.edu/portals/dbtac.htm>.

ADA

The ADA law prohibits discrimination in employment against individuals with a disability. The Equal Employment Opportunity Commission (EEOC) likewise provides: "It is unlawful for a covered entity to discriminate on the basis of disability against a qualified individual with a disability..."

The determination of whether a person is a qualified individual with a disability depends in part on whether the person can, with or without reasonable accommodation, perform the essential functions of the job in question. The individual must satisfy the requirement for requisite skill, experience, education and other job-related requirements or you don't have to hire them.

When you make your job offer, have the candidate complete the appropriate medical clearance (STD 910 and/or STD 610. The STD 910 can be accessed at: <http://www.documents.dgs.ca.gov/osp/pdf/std910.pdf>. The STD 610 can be accessed at: <http://www.documents.dgs.ca.gov/osp/pdf/std610.pdf>.

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Step 6: Conduct the Interviews, Continued

ADA quiz

ADA Awareness

Below are some problems to test your familiarity with the ADA.

1. If a job candidate is in a wheelchair, it is legal to ask them if their disability will prevent them from doing the job

___TRUE

___FALSE

2. The following question would be illegal: “This job requires traveling to different sites. What physical disabilities do you have that would not allow you to do that?”

___TRUE

___FALSE

3. Even though a candidate does not have a disability, the fact that other people regard them as disabled qualifies them for protection under the ADA.

___TRUE

___FALSE

4. The position you are interviewing for is a Customer Service Rep in which the employee deals face-to-face with your customers. You can reject the candidate you are interviewing because they are physically disfigured.

___TRUE

___FALSE

ADA quiz answers

[Click her for the answers.](#)

Step 6: Conduct the Interviews, Continued

Introduction	<p>Up until now, all of your efforts have been preparatory to the interview.</p> <ul style="list-style-type: none">• Reviewing the position's essential functions duty statement (job assessment)• Determining the critical job requirements (screening criteria)• Developing job-related interview questions and rating scale <p>Your interview objectives are two:</p> <ul style="list-style-type: none">• Determine whether or not the candidate can successfully perform the job• Ensure that the candidate is interested in the job if s/he is qualified. <p>Reminder: This is a reminder to staff that conduct hiring interviews that when you are interviewing candidates from an employment list, the candidates have met the minimum qualifications for entrance into the examination. Although you may not believe that the candidate meets your needs for the position you are filling, the State Personnel Board has confirmed by examination, that the candidate is qualified to apply. Under no circumstances staff involved in the hiring/interview process shall not relay to a candidate (verbally or orally) that s/he is not qualified for the position. If the candidate is on the employment list, s/he is qualified; however, s/he may not be in a reachable rank.</p>
Interviews, time off for	<p>It is the policy of the DGS, pursuant to Government Code section 19991 and upon the employee giving his/her supervisor/manager two working days notice, to allow a reasonable amount of time¹ for an employee to participate in an interview (examination or hiring) without deduction of pay or leave credits, if the interview is scheduled during working hours.</p>

Continued on next page

¹ A reasonable amount of time for the purpose of an interview (examination or hiring) is defined as the amount of time scheduled, which can be proven by written document excluding travel time. If no written documentation is available, up to two hours of State time including travel time is granted to the employee. For example, if an examination is administered on a spot basis in San Diego and the employee lives in Sacramento, this interview may involve the entire day part of which would be charged to the employee's leave credits.

Step 6: Conduct the Interviews, Continued

Interviews, time off for (continued)

The table below depicts the allowances/restrictions applicable to various situations; however, refer to each Memorandum of Understanding (MOU) for specific language. These allowances/restrictions apply to interviews held locally or 35 miles or more from the employee's work location.

Exams	On a list*	Transfers	Other
<ul style="list-style-type: none"> Employee is granted State time to take exam with proof of length of exam Leave credits must be used for travel time with sup/mgr approval 	<ul style="list-style-type: none"> Up to 2 hrs State time including travel time; if more time is required, employee must use leave credits with sup/mgr approval 	<ul style="list-style-type: none"> Up to 2 hrs State time including travel time; if more time is required, employee must use leave credits with sup/mgr approval 	<ul style="list-style-type: none"> Out-of-class or stipulation placement is at discretion of sup/mgr to use State time (up to 2 hrs including travel time) Leave credits must be used for travel time and/or interview time if not sup/mgr approved
*Lists include: open, promotional, State Restrictions of Appointment (SROA)/surplus, re-employment, Department Restrictions of Appointment (DROA)			

Before the interview

- At the time of scheduling, you should provide a copy of the essential functions duty statement to the prospective interviewee **prior** to the date of the interview or at a minimum, allow sufficient time prior to the interview for the candidate to read the essential functions duty statement.
- Do any of the applicants require reasonable accommodation? For “readers” contact DOR district office (write link on board <http://www.dor.ca.gov/eps/default.htm>; for sign language contact same DOR district office; in Sacramento, contact Eaton Interpreting Services (916) 721-3636 or Norcal Center on Deafness (916) 349-7525 or 349-7500
- Have enough copies for disbursement of the:
 - [Authorization to Release Information](#) form
 - Organization chart is optional but highly desired by candidates
- Meet with the panel members shortly before the first interview to:
 - Review the critical job requirements
 - Review the pre-determined questions to be asked of all the candidates
 - Establish a rating criteria or use one of the samples (revise to suit your interview) provided in this manual
 - Review each candidate's application/resume and make note of any information that needs elaboration, such as a signature, blanks/omissions, inconsistencies, or unclear/vague description of duties (use a copy of the application/resume NOT original)

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Step 6: Conduct the Interviews, Continued

Effective listening skills

In an interview, it is pointless to ask questions unless you are prepared to listen to the answers. To give another person your full attention requires a lot of effort and skill, but it is essential if you really want to communicate effectively. Listening is an active process. There is a real distinction between merely “hearing the words” and really “listening for the message.”

Very often people listen to only some of what the other person says. What is heard are often those parts which confirm the listener’s own opinions and view points. This selective filtering operates against the real understanding of the other person’s position. Some other things which get in the way of accurate listening include:

- Rehearsing what you are going to say next
- Working to get your share of the talking time
- Trying to impress the other person
- Judging what the other person says as irrelevant, illogical, inconsistent, etc.

The net effect of all these behaviors is to discourage communication. You hear what you want to hear rather than what is actually said.

Active listening

Being an active listener means participating fully in the communication process. This means listening to everything the other person has to say. It also means listening to yourself. You must be sensitive to the signals of your own body. You must realize the impact of your body language in the communication process. Active listening involves paying attention to the non-verbal as well as verbal messages you send to the other person. It helps if your posture and behavior reflect your interest. This is done by:

- Facing the other person squarely
- Adopting an open posture
- Leaning slightly towards the other person
- Making good eye contact
- Being comfortable and relaxed

In other words, make an active effort to show the other person that you are open to and interested in what they have to say. You must be in tune with your own reactions and emotions. You must sense quickly your own feelings towards the other person. Watch out for anger, boredom, or disinterest.

Continued on next page

Step 6: Conduct the Interviews, Continued

Matching and mirroring

One of the best listening styles is the reflective listening style. With this style, you show your understanding of the other person's comments by "reflecting back" or paraphrasing what they have said. This involves reflecting back not only the literal content of the message but any underlying emotional content as well. This echoing technique is useful in checking the accuracy of your understanding of the other person's viewpoint. It also signals to the other person that they should continue talking, which keeps you listening.

You can also use the reflective style in your non-verbal communication by *matching and mirroring* the other person. This means matching the other person's mannerisms, energy level, etc. and mirroring, or reflecting back, their body language. Studies show that people are attracted to other people who are like themselves. By matching and mirroring, you are sending a subtle message that says, "Hey, I'm just like you." The net effect is that the other person becomes more comfortable and relaxed which will result in increased rapport and more honest responses.

The 70/30 rule

**Active listeners spend 70% of their
time listening and only 30% of their
time talking.**

Continued on next page

Step 6: Conduct the Interviews, Continued

Quiz

Effective Listening Skills

Below are some problems to test your knowledge of effective listening skills.
Check the answer you feel is most appropriate.

1. Selective filtering happens when the listener only hears those parts of the conversation that confirm his/her own opinions and views.

___ TRUE ___ FALSE

2. Active listening involves paying attention to the non-verbal as well as verbal messages you send to the other person.

___ TRUE ___ FALSE

3. You must tune out your own reactions and emotions if you want to be an active listener.

___ TRUE ___ FALSE

4. By matching and mirroring, you are sending a subtle message that says, "You're the person we want to hire."

___ TRUE ___ FALSE

5. Active listeners spend 70% of their time listening and only 30% of their time talking.

___ TRUE ___ FALSE

Quiz answers

[Click her for the answers.](#)

Continued on next page

Step 6: Conduct the Interviews, Continued

Rules of the game

Like it or not, there is a little bit of gamesmanship in every interview. Whether or not you are a good sport or a poor sport depends on how well you follow the rules. Some of the rules are listed below:

- **Treat the candidate as a guest** - An old adage says, "You don't get a second chance to make a first impression." If it turns out this is the candidate you want, a poor first impression could be the single factor that busts the deal.
- **Provide space to complete paperwork** - It is imperative that you provide candidates with a private work space to complete the necessary paperwork, which includes the time to read the essential functions duty statement and sign the "Authorization to Release" form, and/or take a performance test.
- **Reserve a block of time** - It's rare when an effective interview can be conducted in less than an hour. Pay your candidates the courtesy of reserving an adequate amount of time to get both your questions, and theirs, answered.

Continued on next page

Step 6: Conduct the Interviews, Continued

Rules of the game (continued)

- **Private interview/no interruptions** - All interviews should be conducted behind closed doors. Also, an interview requires both your and the candidate's concentration and attention. Make sure everyone knows that you will be in an interview and they have been instructed not to disturb you. Also, when you begin the interview, forward your phones and/or turn off cell phones. Pay your candidates the courtesy of giving them your undivided attention.
- **Explain the process** - Spend some time at the beginning of the interview to provide your candidates with an overview of the DGS, the job, and the hiring process. The more they know, the better they will be able to provide you with complete and candid information.
- **Ask the same questions of each candidate** - Remember, you are trying to determine which candidate is best qualified to perform a specific set of duties. If you ask one candidate one set of questions and another candidate a different set of questions, when it comes time to make a decision, you'll have no basis for comparison. Focus your questions on the job requirements, and ask each candidate the same questions. This way, you'll ensure that you're finding the best candidate for the job. **[Note: This is a legal requirement.]**
- **Screen in vs. screening out** - Too often, interviewers take the negative approach: They probe each candidate's background to find reasons why they shouldn't hire them. The problem with this approach is that we are all human and we all have flaws. It's a rare candidate that can pass such close scrutiny.

If you've done a good job of pre-screening, you should already be comfortable that, at least on paper, your candidates meet the minimum job qualifications. If they do, look for the reasons why you *should* hire them. When you've finished with all of the candidates, the candidate with the most reasons wins. A positive spin such as this makes the process all that more enjoyable for all concerned.

- **Don't play games** - There are lots of games you can play to test your candidates' grit and resilience. One word of advice: *DON'T*. All interviews are too short and there's too much information that needs to be gathered to waste time with games that don't yield much if any usable information. Pay your candidates the courtesy of treating them as adult professionals.

Continued on next page

Step 6: Conduct the Interviews, Continued

Rules of the game (continued)

- **Invite the candidate to follow up** - Once the interview is complete, explain to your candidates what the process and timeframe for your decision will be. Give them your business card and a specific time they should follow up. Those who call are clearly interested. Those who don't are probably not. Don't be afraid to deliver bad news. For most candidates, even a bad answer is better than no answer at all.

Beginning the interview

Before you begin to ask questions, it is best to establish some rapport. This helps to reduce anxiety, both yours and the other person's. Three to five minutes of small talk will generally suffice. Since the purpose is to reduce anxiety, avoid controversial topics such as politics, and social issues.

As a simple means of making the transition from small talk to the actual interview, a good question is, "What do you know about the DGS?" or "How did you happen to become interested in the DGS?" This type of open-ended question should serve as a warm-up for the candidate. It allows them to talk freely and spontaneously. When they finish, you're ready to define the interview process and enlist their cooperation and candor. Your next statement may sound like this:

"Today, I would like to talk with you about your background and experience. That way we can tell if we have opportunities in our organization that are suited to your talents and interests. Certainly, it's to your advantage as well as ours to become well acquainted with each other before proceeding further. So, I'd like to hear about your previous jobs, education, interests, and anything else that you would like to tell me. Perhaps a good place to start is with your work experience."

The nice thing about such a statement is that later it makes the transition from one topic to the next much easier. The information you gather will stay organized for later analysis, and it will be easier for the candidate to follow your line of questioning.

Continued on next page

Step 6: Conduct the Interviews, Continued

Controlling the interview

Before you ask your questions, get out your note pad and pen. This signals the beginning of the interview. Later, when you are ready to close the interview, the simple act of closing and putting away your notepad will indicate that the interview is over. There are two major points to remember when taking notes:

- Only write down important points. Taking too many notes will inhibit the flow of your conversation with the candidates and make them nervous.
- Make notes only after positive or neutral statements. Note taking immediately after negative statements greatly increases the candidate's anxiety. If they tell you that they were fired from their last job, wait. Later, when they are telling you about some enjoyable project they worked on, smile and write down "fired from last job."

As you begin asking your questions, remember that you are in control of the interview, and it is up to you to provide guidance and direction. It is your responsibility to get below the surface and extract the in-depth information needed to accurately evaluate this candidate. If the candidate evades your question, bring them back to the topic by saying, "you didn't finish telling me about..." If the candidate stops short of telling you all that you want to know, use probing questions, like the ones in the following section, to find out more.

Questioning techniques

One-step probes start with words like *what*, *when*, *where*, *who*, and *how much*. Two-step probes are really add-ons to the one-step probe and start with *why* and *how*. When a candidate is not forthcoming with information, that is, they are giving you short, simple answers, use a two-step probe:

INTERVIEWER: "What are your hobbies?" (always pluralize if possible)
CANDIDATE: "I like gardening."
INTERVIEWER: "How did you become interested in gardening?"

Continued on next page

Step 6: Conduct the Interviews, Continued

Questioning techniques (continued)

Another way of getting beyond a short, simple answer like the one above, is simply to be silent until the candidate tells you more about the topic. You may find the silence difficult or uncomfortable at first, but it is one of the most effective techniques available.

When you want to test the candidate's in-depth knowledge of a topic, use *simulation* or *contrast and compare* questions:

1. Simulation questions are best for determining technical knowledge. You state the question in problem form, for example, "if this situation occurred, what would you do?" Use words like "suppose" and "assume."
2. Contrast and compare questions are just what they imply. Ask the candidate to contrast or compare two situations, methods, or events, and then listen for how well they understand the differences and similarities.

Intersperse these types of questions with your technical and behavioral questions so the person doesn't feel like they're taking an oral examination.

You can have the candidate expand on a subject by asking a general question, following it up by asking a specific question, and then asking a descriptive question. Like this:

INTERVIEWER:	"What are your major strengths?"
CANDIDATE:	(candidate recites a list)
INTERVIEWER:	"Which is your strongest one?"
CANDIDATE:	(candidate names one)
INTERVIEWER:	"Give me an example of how has that strength helped you?"

Practice wording your questions in such a way that they are open-ended and cannot be answered in one or two words. Direct questions are useful in gathering specific information, but ask too many, and you'll end up doing all of the talking. If you find yourself asking too many direct questions, remember the specific-to-descriptive technique we've just discussed.

Continued on next page

Step 6: Conduct the Interviews, Continued

OUCH

Every training program has an acronym, and this one is no different. The OUCH principle provides an easy set of principles to follow to ensure that your interviews are safe and legal. Following the principles isn't painful. Not following it could be. The OUCH principles are:

Objective

Your interview questions should be primarily focused on gathering real, verifiable, *objective* information regarding a candidate's qualifications and suitability for the job. Avoid questions that deal with subjective issues not related to the job.

Uniform in Application

Ask each candidate the same questions. Not only does this allow you to compare apples to apples when the interviews are over, it also protects you from claims of "You only asked me that because I'm _____."

Consistent in Effect

The end result of each question should have the same impact on every group. In other words, if you ask the same question of all candidates, but men are more likely to respond favorably than women, you have not been consistent in effect.

Have Job Relatedness

The assumption is that you will use all of the information gathered in the interview to make your decision. In certain circumstances, solicitation of non-job-related information could be shown to have discriminatory intent or impact. **Keep your questions related to the job requirements.**

Continued on next page

Step 6: Conduct the Interviews, Continued

Closing the interview

Interviews get tedious at times, so avoid letting the interview turn into a marathon session. It helps to use humor occasionally to lighten things up, but stay on track with the set agenda.

After you have covered the relevant topics and closed your note pad, close the interview crisply with something like this:

“You’ve given me a good review of your background and experience. I’ve enjoyed talking with you, and I appreciate your sharing this information with me. It will be of value to us in making our decision. Before we close, what else would you like to cover? What questions would you like to ask me about the job, the DGS, or anything else?”

Once their questions are answered, be prepared to immediately give any needed instructions, such as where to go next, who to see next, and what is the next step in the process.

Second interviews

You may want to conduct a second interview once you’ve narrowed your search for a new employee to two candidates. If it is fairly clear that the candidates have the skills and experience necessary to get the job done, the second interview is a good time to assess if they “culturally fit” with the DGS. Culture fit encompasses such things as:

- How decisions are made and communicated
- How risk-taking is rewarded or punished
- How employees treat each other
- Whether intradepartmental idea challenges are supported

The culture of your organization is its signature environment. Define your culture as it relates to the four items above. Then, identify the behaviors that employees need to succeed in that culture, and assess whether your candidates exhibit those behaviors. Behavioral competencies can be found in the Essential Functions Duty Statement Manual at:

<http://www.documents.dgs.ca.gov/ohr/GuidesManuals/EFManual10-05Revise.pdf>

Additionally, the second interview may be conducted to provide the potential employee the opportunity to clarify information you obtained during the reference check (interviews and OPF review).

Continued on next page

Step 6: Conduct the Interviews, Continued

Second interviews (continued)

Some managers/supervisors don't discuss cultural fitness when interviewing candidates. While the reason given for this approach is often "We don't want to scare off a potentially strong candidate," in the end, it is cultural fit that dictates the success, or lack of success, of an employee.

After the interview

After each interview, you should rate and summarize your impressions of the applicant's interview through discussion with the other panel members. Document this summary in writing and keep this and your other interview notes with the candidate's application/resume. At the completion of all interviews, assess the applicants in relation to each other and develop a list of the top candidates.

Summary

- Based on the job assessment and essential functions duty statement you created:
 - ✓ Formulate open-ended questions that will encourage a candidate to describe specific situations, experiences, or tasks as they relate to the requirements of the job you have open
 - ✓ Write out your questions to ensure that you cover all the main points in the interview
 - ✓ Focus on factors related specifically to the job since factors not related to the job often lead to charges of discrimination
 - Develop questions that will determine a candidate's capabilities based on their past behavior:
 - ✓ Behavior-based questions are designed to have the candidate describe his/her past behavior in circumstances similar to those surrounding the job you are trying to fill
 - ✓ Skill-based questions help you evaluate whether or not a candidate has an acceptable skill level in each area you identified
 - When formulating your interview plan, prepare to use these helpful interview techniques:
 - ✓ Use open probes or open-ended questions to get the candidate to elaborate on his/her answer
 - ✓ Use situational questions where you describe a particular set of circumstances and then ask the candidate to describe their experiences in a similar set of circumstances
-

Continued on next page

Step 6: Conduct the Interviews, Continued

Summary (continued)

- ✓ Allow silence to give the candidate plenty of time to think of an answer
 - ✓ Seek contrary evidence to ensure that you get a balanced view of the candidate
 - ✓ Unless you are looking for theoretical or hypothetical answers, avoid theoretical and hypothetical questions
 - ✓ To ensure that when all is said and done you are comparing apples to apples, ask each candidate the same questions
-
- Avoid the “selective filtering” syndrome. This happens when you:
 - ✓ Rehearse what you are going to say next
 - ✓ Compete to get your share of the talking time
 - ✓ Try to impress the other person
 - ✓ Judge what the other person says as irrelevant, illogical, inconsistent, etc.
 - Being an active listener means participating fully in the communication process. Be sure to incorporate these techniques:
 - ✓ Face the other person squarely
 - ✓ Adopt an open posture
 - ✓ Lean slightly towards the other person
 - ✓ Make good eye contact
 - ✓ Be comfortable and relaxed
 - Use “reflective listening” and “matching and mirroring” to build positive rapport with your candidates:
 - ✓ With the “reflective listening” style, you show your understanding of the other person’s comments by “reflecting back” or paraphrasing what they have said
 - ✓ “Matching and mirroring” means matching the other person’s mannerisms, energy level, etc. and mirroring, or reflecting back, their body language
 - Active listeners spend 70% of their time listening and only 30% of their time talking

Continued on next page

Step 6: Conduct the Interviews, Continued

Summary (continued)

- Every “game” has rules, and the interview is no exception. Here are the rules of the game:
 - ✓ Treat the candidate as a guest
 - ✓ Provide space to complete paperwork
 - ✓ Reserve a block of time
 - ✓ Private interviews/no interruptions
 - ✓ Explain the process
 - ✓ Provide appropriate literature/information
 - ✓ Ask the same questions of each candidate
 - ✓ Screen in vs. screening out
 - ✓ Don’t play games
 - ✓ Invite the candidate to follow-up
- Before you begin to ask questions it is best to establish some rapport
- Be sure to take notes during the interview, and follow these rules:
 - ✓ Only write down important points. Taking too many notes will inhibit the flow of your conversation with the candidates and make them nervous
 - ✓ Make notes only after positive or neutral statements. Note taking immediately after negative statements greatly increases the candidate’s anxiety
- As you begin asking your questions, remember that you are in control of the interview, and it is up to you to provide guidance and direction
- Use your best behavior-based questioning techniques as described in this section of the manual
- Don’t forget the OUCH principle:
 - ✓ Your interview questions should be primarily focused on gathering real, verifiable, **objective** information regarding a candidate’s qualifications and suitability for the job
 - ✓ Your questions should be **uniform in application**, i.e., ask all candidates the same questions
 - ✓ The end result of each question should have the same impact on every group, i.e., **consistent effect**
 - ✓ All of your questions should **have job relatedness**
- Keep the interview to a reasonable time (usually one-hour) and close by answering the candidate’s questions

Continued on next page

Step 6: Conduct the Interviews, Continued

Quiz – the interview

The Interview

Below are some problems to test your knowledge of the interview. Check the answer you feel is most appropriate.

1. Determining whether or not the candidate can successfully perform the job is one of your objectives in an interview. Which of the following is another:

☐ filling out and submitting an interview evaluation form

☐ ensuring that the candidate is interested in the job if s/he is qualified

☐ offering the candidate coffee or a soft drink at the beginning of the interview

☐ providing the candidate a private place to complete the required paperwork
2. One of the purposes of interviewing candidates is to identify the reasons they can't do the job.

☐ TRUE ☐ FALSE
3. One of the primary reasons for writing out your questions before an interview is so you will ask each candidate the same questions.

☐ TRUE ☐ FALSE
4. As a simple means of making the transition from small talk to the actual interview, a good question is, "What do you know about our organization?"

☐ TRUE ☐ FALSE
5. Taking notes immediately after a candidate makes a negative statement greatly increases your chances of getting accurate information.

☐ TRUE ☐ FALSE
6. Simulation questions are best for determining a candidate's attitudes toward life.

☐ TRUE ☐ FALSE
7. In certain circumstances, solicitation of non-job-related information could be shown to have discriminatory intent or impact.

☐ TRUE ☐ FALSE

Continued on next page

Step 6: Conduct the Interviews, Continued

**Quiz
answers**

[Click here for the answers.](#)

**Quiz –
legal or
illegal
questions**

Legal or Illegal Interview Questions

Check 'YES' or 'NO' if the question is legal.

QUESTION	YES	NO
Have you ever worked under another name?		
Where were you born?		
Have you ever been fired from a job?		
What religious holidays do you observe?		
Are you a citizen of the United States?		
Have you ever been arrested for committing a crime?		
Do you have any physical or emotional problems which might limit your ability to do this job?		
Where and when did you receive your high school diploma?		
What mode of transportation do you intend to use to get to work?		
What is your marital status?		
What foreign languages can you read, write, and/or speak?		
What political or religious organizations are you a member of?		
How many children to you have?		
If your spouse is transferred to another city, would you move with him/her?		
How much travel do you feel would be excessive?		
How many days of work did you miss last year to stay home with sick children?		
Are you socially active, or do you tend to prefer more solitary activities?		

**Quiz
answers**

[Click here for the answers.](#)

Step 7: Select the Best Candidate

Overview

After you have interviewed each viable candidate, it is very important to rate the candidate (using an Interview Rating Scale) before the information you have received goes stale in your mind. Two hours after the interview, most people remember slightly more than 50% of what they heard, and 48 hours after the interview they remember slightly less than 20%.

After you have seen all the candidates and totaled each of their scores, sit back for a few minutes and reflect on which candidate or candidates best meets your needs and make a list of those candidates for reference checks and/or official personnel folder (OPF) review. Refer to the Personnel Operations Manual [\(POM\) Section on OPF](#) for more detailed information.

Checking references is a key element in making an informed hiring decision. Remember, it is important to keep the focus of the reference check on job-related issues. **Note: Job offers shall not be made without a reference check, and/or a review of the OPF, if the candidate being considered is a current or former State employee. Reference checks and OPF review shall be conducted for each of the top applicants (usually 2-3).**

The longer you wait, the more your final decision will become colored by chemistry, price, short term needs, and the fear of making the wrong decision.

Key decision questions

After you have interviewed all of the candidates for the position you are trying to fill, answer these questions for each candidate then evaluate your answers for each in comparison with the others.

Can the person do the job?

1. In what ways will the person's talents, abilities, knowledge, skills, and experiences enable the person to do the job and to take on more challenging responsibilities?
 2. To what extent has the person's education and work been relevant and sufficient?
 3. How competent and productive has the person been and what evidence is there that they have an acceptable level of energy and endurance?
 4. What things has the person done best in the past? Performed least well?
-

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Step 7: Select the Best Candidate, Continued

Key decision questions
(continued)

Will the person do the job?

1. Even if the person has what it takes to do the job, how well motivated is the person to do what is necessary?
2. Is the person willing to do more than necessary?
3. What motivates this person? Reassurance? Praise? Concrete results? or what?
4. To what extent will the person take the initiative in getting a task done on time, while still being concerned about quality of performance?
5. How diversified are the person's interests?
6. How ambitious is this person?
7. How much drive does the person have to function at, or near, his/her full potential?

How does this person get along with other people?

1. How will the person respond to superiors, subordinates, and peers?
2. How will others react to this person?
3. How compatible is this person with the job and organization?
4. How does the person cope with obstacles and frustrations?
5. What are some of the person's attitudes, feelings, and predispositions?
6. What leadership style would this person exhibit?
7. What would be the impact of this person on co-workers?

Reference checking

From a sound personnel management perspective, conducting thorough reference checks is the best method to identify potential problem employees. You should be taking steps during the interview and reference checking processes to acquire as much information as possible about the applicant's previous job performance in order to make an informed hiring decision. Refer to the Personnel Operations Manual ([POM](#)) [section on Employee Reference Checks](#) for complete policy, procedures and forms.

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Step 7: Select the Best Candidate, Continued

Reference checking (continued)

As a manager/supervisor, you have a dual role in the reference checking process.

As a prospective employer:

- You must seek job-related information regarding job applicants in order to make an informed hiring decision

As a current or previous manager/supervisor:

- You may be required to respond to reference check inquiries from prospective managers/supervisors regarding your current or past employee

A fine line separates thoroughly reviewing the applicant's background and invading his/her privacy. An overly intrusive investigation may violate an individual's privacy or legal rights. On the other hand, a half-hearted reference check raises the risk of hiring an incompetent or dishonest employee.

There is no approach that will guarantee that you will not be sued by a former employee because of information that was provided in a reference check. However, with the proper preparation and discretion, you should feel comfortable with giving both favorable and unfavorable references. You should also keep in mind that in the event of a lawsuit, the State will defend you if there was no malice involved.

Guidelines for seeking reference information

In an ideal world, reference checks would be unnecessary because all job seekers would accurately and fully disclose the pertinent facts about their employment history. Unfortunately, in the real world, it is essential to conduct thorough reference checks because:

- Many applicants are ambiguous or omit pertinent information on resumes
- Application materials are frequently incomplete
- Lack of information leads to bad hiring decisions
- Negligent hiring claims are more likely

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Step 7: Select the Best Candidate, Continued

Guidelines for seeking reference information (continued)

The following table describes the steps and actions necessary to conduct a thorough reference check. A copy of DPA's [Guidelines on Reference Checking PML 93-060](#) is in the Resources section of this manual.

Step	Action
1	Obtain a signed Authorization to Release form from the applicant. This allows you to contact former supervisor(s) and review the Official Personnel Folder (OPF), if the applicant is a current State employee.
2	Verify information on the application and/or resume form. You should pay close attention to dates of employment to identify any discrepancies or gaps in employment history. These should be carefully discussed with the job applicant, and you should be satisfied as to the reasonableness of the explanation.
3	<ul style="list-style-type: none">• Ask specific job-related questions during the interview and reference check (click here for the Employment Reference Questions form).• In the interview, all candidates are asked the same set of questions to ensure consistency.• In reference checking, identify the factors that are most critical for successful performance of the job (i.e., meeting deadlines, good interpersonal and communication skills, flexibility, decision-making skills, accuracy, etc.) and gear your questions to these areas.
4	<ul style="list-style-type: none">• Be cautious of references that are extremely positive or negative. An extremely flattering review may be given by the current employer in an effort to ensure that a problem employee will be hired by another agency. Extremely negative ratings may result from a desire to retaliate against the person for attempting to leave the job or for personal reasons. You should evaluate these relative to all references received on the applicant and assign the appropriate weight.

Continued on next page

Step 7: Select the Best Candidate, Continued

Reference checking – legal considerations

As a prospective employer seeking information about a job applicant, you must be aware of negligent hiring/negligent retention liability. These are:

- Defamation – is defined as an injury to the reputation or good name of another that tends to bring that person into disrepute. In order for defamation to occur, the following components must be present:
 - A false or malicious statement must be made
 - The statement must be communicated either orally (slander) or in writing (libel) to a third party
 - The statement must damage the employee or his/her character/reputation

In the employment area, defamation claims arise most often from:

- Statements made as part of a request for a reference when the employee is seeking new employment
 - Disseminating information, including the reasons the employee was terminated or voluntarily resigned to those who do not need to have the information
- Qualified privilege – is an exchange of information between employers (who have a common interest in hiring qualified applicants) regarding previous work history of an employee made as part of a reference check is protected from suits for defamation if the statements regarding an applicant's previous work history are made in good faith to persons having a legitimate need to know.

The protection of qualified privilege exists only when the following conditions are met:

- The information must be given in good faith
- The truth of the information can be substantiated
- The information should be limited to the inquiry
- The information must be given during the proper time and in the proper manner
- The information must be communicated to the proper parties
- The requested information must be strictly related to the requirements of the job

Continued on next page

Step 7: Select the Best Candidate, Continued

Reference checking – legal considerations (continued)

- Negligent hiring/negligent retention – when a current or former employer refuses to disclose or selectively discloses information about the qualifications of an applicant, it minimizes the chances of a defamation lawsuit for that employer. However, it forces prospective employers to make selection decisions based on incomplete or faulty information and exposes these employers to another type of liability – negligent hiring and negligent retention.

If a prospective employer knew, or should have known, based on a reasonable inquiry into an applicant's background that the person was not suitable for the position and subsequently places a dangerous or unqualified individual in a position where s/he can harm co-workers or third parties, the employer can be held liable for the employee's acts.

- Negligent referral – failing to provide negative information in response to specific questions could be grounds for substituting or transferring a company's liability to you. The legal argument could be easily made that had you provided the negative information when asked, the company would not have negligently hired the applicant.
- State laws and regulations – the following statutes do not focus on State employees but provide guidance in reference checking and declares legislative intent in this area:
 - Information Practices Act – places specific requirements on State agencies in the collection, use, maintenance, and dissemination of information relating to individuals (Government Code Sections 1798-1798.78)
 - California Labor Code sections pertaining to reemployment privileges:
 - ❖ Section 1050
 - ❖ Section 1053
 - ❖ Section 1054

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Step 7: Select the Best Candidate, Continued

Guidelines for the reference provider

This information is provided to assist you to stay within the applicable legal boundaries when responding to reference inquiries:

- Verify that the caller has a legitimate need for the information.
- Limit your remarks to the inquiry. Reply only with descriptions of job performance examples. Exercise good judgment in determining what negative information should be volunteered when the reference seeker does not ask you specific questions related to an area of deficiency or poor work. There are basically three different categories of negative information:
 - Information that is not job-related
 - Information that is job-related but not critical to successful job performance
 - Information that is critical to the performance of the job
- Provide truthful information
- When giving negative information, give specific facts without labeling them negative
- Discuss both the positive and negative attributes of an individual
- Do not be more candid with friends than you would be with others

OPF review

If you have selected an applicant who is a current or prior State employee, you or your designee **must** review the individual's Official Personnel Folder (OPF). Following are the steps you need to take for arranging to review a potential employee's personnel file:

- Contact the Human Resources Office of the candidate's department.
- Inform them you would like to review an OPF for an employee of their department. They will ask you for the employee's name or other pertinent information in order to direct you to the appropriate individual.
- Once you reach the individual that is responsible for that file, arrange an appointment time and date. Let this individual know that you would like copies of the candidate's departmental Employment History, leave balances for the past three years, and the State Controller's Office blue Personnel Action Request (PAR).
- Make sure to ask where they are located.
- Take an [Official Personnel Folder Review Sheet](#), signed Authorization to Release form and [PAR Transactions Codes](#) list.
- Take a picture identification of yourself.

Continued on next page

Step 7: Select the Best Candidate, Continued

Summary

- After you have interviewed each viable candidate, it is very important to rate the candidate on his/her competencies before the information you have received goes stale in your mind.
 - Use an objective decision making tool like the Interview Rating Scale examples offered in this manual.
 - Conduct a reference check on your top candidates.
 - Conduct an OPF review, if applicable.
-

Quiz

Making a Decision

Below are some problems to test your familiarity with making a decision.

1. After you have interviewed each viable candidate you do not have to rate them before moving onto the next candidate.

___TRUE

___FALSE

2. Reference checks are conducted on all interviewed candidates.

___TRUE

___FALSE

3. An Authorization to Release form is obtained to provide legal access to former supervisors and/or official personnel folder review.

___TRUE

___FALSE

4. The OPF must be reviewed for current and former State employees.

___TRUE

___FALSE

Quiz answers

[Click here for the answers.](#)

Step 8: Make a Job Offer

Overview

Once you have evaluated all of the candidates and decided on the one who is best qualified for the job, it is time to extend an offer.

Prior to making a hiring commitment, make sure that the applicant selected is cleared for hire through your C&P Analyst.

Steps

After the C&P Analyst has authorized a hiring commitment for the selected candidate, the following steps should be taken when making a job offer.

Step	Action
1	<p>The hiring supervisor contacts the selected candidate, usually by telephone, and makes a firm job offer contingent on medical clearance, completed and approved conflict of interest Form 700 (if applicable), I9, etc., which includes the interactive process. Therefore, you must meet with the candidate to discuss and complete/sign all forms. Complete instructions regarding medical clearances can be found in the Personnel Operations Manual (POM) section "Mandatory Medical Clearances," which states:</p> <p><i>Before an employee may begin the duties of a civil service position, certain conditions of employment must be met. One of these is a requirement for medical clearance. There are two types of medical clearance:</i></p> <ul style="list-style-type: none">• <i>Essential Functions Health Questionnaire, STD 910</i>• <i>Health Questionnaire (with Physician's Report), STD 610</i>
2	<p>To consummate a legal hire of a new, non-State employee, you must send a hiring confirmation letter to the new employee in advance of the starting date. This letter is also recommended, but not required, when hiring current State employees. A copy is maintained in your hiring package and a copy is sent with the hiring documents to the Personnel Specialist (PS) in the Personnel Transactions Unit (PTU).</p>
3	<p>You are also required to inform the unsuccessful applicants of the results of the screening and interviewing processes as soon as you have a firm hiring commitment. A personal phone call or letter from you can accomplish this.</p>

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Step 8: Make a Job Offer, Continued

Summary

- Make a firm job offer, contingent on a medical clearance, COI, I9, duty statement, etc., which includes the interactive process.
 - Notify all the candidates of your decision whether successful or unsuccessful.
-

Step 9: Document the Hire

Overview

All of the DGS' hires should be documented and the hiring materials retained in a hiring package. The information in the hiring package is confidential and should be filed appropriately. This package should contain:

The package retained in the hiring office should contain:

- ✓ JOB
- ✓ Applications
- ✓ Essential functions duty statement
- ✓ Screening criteria
- ✓ Interview questions
- ✓ Interview notes
- ✓ Interview rating criteria
- ✓ Selection criteria
- ✓ Copies of letters sent to successful and unsuccessful candidates

Retention

Applicant Hired:

Retain a copy of the application in the hiring package for **two years** following the appointment date (the original and signed duty statement is forwarded to the Personnel Transactions Unit for processing the appointment and then filed in the employee's OPF). Note: A second copy should be retained in the Supervisor's working file.

Applicants Not Hired:

Retain the original applications and copies of appreciation letters in the hiring package for **two years** after completion of interview process.

The package sent to PTU must contain

- Signed duty statement
- STD 910 and STD 610 if applicable
- I-9
- Form 700, if applicable
- Appointee's application

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Step 9: Document the Hire, Continued

Retention

Pursuant to California Records Information Management (CalRIM), the retention schedule can be accessed at <http://www.documents.dgs.ca.gov/pd/recs/49ap2pay.pdf>. The retention period for applications, as part of the hiring package for each specific vacancy filled, is:

Applicant Hired:

Retain a copy of the application in the hiring package for two years following the appointment date (the original is forwarded to the Personnel Transactions Unit for processing the appointment and then filed in the employee's OPF). Note: A second copy should be retained in the Supervisor's Working File.

Applicants Not Hired:

Retain the original applications and copies of appreciation letters in the hiring package for two years after completion of interview process.

Step 10: Provide Employee Orientation

Overview

Providing employee orientation on the first day on the job will improve employee retention by as much as 25%!

The key is to integrate new employees socially and emotionally. Following the completion of required hiring documents, i.e., benefits registration, security badge, oath of allegiance, etc., here are a few tips to help you make your new hire's onboard experience as successful as possible for all concerned.

Purposes of orientation

You should realize that orientation isn't just a nice gesture. It serves as an important element of the recruitment and retention process. Some key purposes are:

- **To reduce startup costs:** Proper orientation can help the employee get "up to speed" much more quickly, thereby reducing the costs associated with learning the job.
- **To reduce anxiety:** Any employee, when put into a new, strange situation, will experience anxiety that can impede his/her ability to learn to do the job. Proper orientation helps to reduce anxiety that results from entering into an unknown situation, and helps provide guidelines for behavior and conduct, so the employee doesn't have to experience the stress of guessing.
- **To reduce employee turnover:** Employee turnover increases as employees feel they are not valued, or are put in positions where they can't possibly do their jobs. Orientation shows that the DGS values the employee, and helps provide the tools necessary for succeeding in the job.
- **To save time for the supervisor:** Simply put, the better the initial orientation, the less likely you and co-workers will have to spend time teaching the employee.
- **To develop realistic job expectations, positive attitudes and job satisfaction:** It is important that employees learn as soon as possible what is expected of them, and what to expect from others, in addition to learning about the values and attitudes of the DGS and work unit. While people can learn from experience, they will make many mistakes that are unnecessary and potentially damaging. The main reasons orientation programs fail: The program was not planned; the employee was unaware of the job requirements; the employee does not feel welcome.

Have the new employee complete the online "New Employee Orientation" within his/her first week. Access the New Employee Orientation at: <http://neo.dgs.ca.gov/>

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Step 10: Provide Employee Orientation, Continued

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| Acclimation | <ul style="list-style-type: none">✓ Help new employees become familiar with the work environment by developing ways for them to do their work, i.e., tour of the work area and/or building, provide the new employee with a “coach” or experienced fellow worker to whom s/he can come with questions and/or advice.✓ Provide him/her with support tools such as acronym dictionaries, process and procedure documentation, organizational charts, telephone lists, on-line processes (such as PAL), online new employee orientation, DGS Manual, work hours—anything to help them feel comfortable in their work. |
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| Integration | <ul style="list-style-type: none">✓ Create activities for new employees to meet other employees in the DGS, beyond those in their immediate work group.✓ Help them spread their influence as well as their network within the DGS. |
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| Communication | <ul style="list-style-type: none">✓ One-on-one conversations with management can help employees build lasting relationships that will keep them in the DGS longer.✓ Hold conversations with new employees during the first ninety days of employment in order to get to know each other as people and clear up any misunderstandings that may have developed.✓ Initiate scheduled times in which new employees can discuss things with management, which will include the employee’s probation report or annual performance review. |
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| Expectations | <ul style="list-style-type: none">✓ Review the essential functions duty statement with the employee.✓ Provide the new employee with your expectations, in writing.✓ Find out what the employee expects.✓ Set specific performance goals. |
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Retention	<p>Employee retention is critical to the long term health and success of the DGS. Retaining your best employees ensures customer satisfaction, product sales, satisfied co-workers and reporting staff, effective succession planning and deeply imbedded organizational knowledge and learning.</p>
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The following are a few retention tips to retain a great employee:

- Management thinkers agree that **a satisfied employee knows clearly what is expected from her/him every day at work.** Changing expectations keep people on edge and create unhealthy stress. They rob the employee of internal security and make the employee feel unsuccessful.

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Step 10: Provide Employee Orientation, Continued

Retention (continued)

- **The quality of the supervision an employee receives is critical to employee retention.** People leave managers and supervisors more often than they leave companies or jobs. It is not enough that the supervisor is well-liked or a nice person, starting with clear expectations of the employee, the supervisor has a critical role to play in retention. Anything the supervisor does to make an employee feel unvalued will contribute to turnover. Frequent employee complaints center of these areas:
 - Lack of clarity about expectations,
 - Lack of clarity about earning potential,
 - Lack of feedback about performance,
 - Failure to hold scheduled meetings, and
 - Failure to provide a framework within which the employee perceives s/he can succeed.
- **The ability of the employee to speak his/her mind freely with the organization is another key factor in employee retention.** Does your organization solicit ideas and provide an environment in which people are comfortable providing feedback? If so, employees offer ideas, feel free to criticize and commit to continuous improvement. If not, they bite their tongues or find themselves constantly “in trouble” – until they leave.
- **Talent and skill utilization is another environmental factor your key employees seek in the workplace.** A motivated employee wants to contribute to work areas outside of his/her specific job description. How many people could contribute far more than they currently do? You just need to know their skills, talent and experience, and take the time to tap into it.
- **The perception of fairness and equitable treatment is important in employee retention.**
- When an employee is failing at work, ask the question, “What about the work system is causing the person to fail?” Most frequently, if the employee knows what they are supposed to do, the answer is time, tools, training, temperament or talent. **The easiest to solve, and the ones most affecting employee retention, are tools, time and training.** The employee must have the tools, time and training necessary to do his/her job well – or they will move to an employer who provides them.

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Step 10: Provide Employee Orientation, Continued

Retention (continued)

- **Your best employees, those employees you want to retain, seek frequent opportunities to learn and grow in their careers, knowledge and skill.** Without the opportunity to try new opportunities, sit on challenging committees, attend seminars and read and discuss books, they feel they will stagnate. A career-oriented, valued employee must experience growth opportunities within the organization.
 - A common place complaint or lament is that **the employee never felt senior managers know s/he existed.** Senior managers should take time to meet with new employees to learn about their talents, abilities and skills. Meet with each employee periodically.. You'll have more useful information and keep your fingers on the pulse of your organization. It's a critical tool to help employees feel welcomed, acknowledged and loyal.
 - **No matter the circumstances, never, never, ever threaten an employee's job or income.** Even if you know layoffs loom if you fail to meet production or sales goals, it is a mistake to foreshadow this information with employees. It makes them nervous; no matter how you phrase the information; no matter how you explain the information, even if you're absolutely correct, you best staff members will update their resumes. Think before you say anything that makes people feel they need to search for another job.
 - **Your staff members must feel rewarded, recognized and appreciated.** Frequently saying thank you goes a long way. However, other forms of recognition, i.e., certificates, awards, etc., make the thank you even more appreciated.
-

Step 11: Conduct Timely Probation/Performance Evaluation

Overview

Pursuant to Department of Personnel Administration (DPA) rules and DGS policy (refer to the Personnel Operations Manual (POM) section on Probationary Periods/Reports), supervisors **shall** conduct performance evaluations as proscribed.

The primary objectives of a performance evaluation are to:

- Establish positive communication between managers/supervisors and employees.
- Provide a record of employee job performance.
- Provide an equitable and consistent practice of performance evaluation.
- Provide objective data to support merit increase/denial decisions and other personnel actions.

If undertaken properly, there are mutual benefits for both the manager/supervisor and the employee during performance evaluations. The review gives both parties the opportunity to look backward to evaluate what has been accomplished during the review period, pinpointing contributions and areas where improvement may be needed, and to look ahead to the future by clarifying responsibilities and standards of expectation. The result should be increased job performance, job satisfaction and employee development.

Probation and performance evaluation requirements are in the MOU and GC 19992-19992.14 and DPA Rules 599.795, 599.797, 599.798, and 599.979

Performance evaluation techniques

The following list identifies a few performance evaluation techniques.

1. **Be systematic in your approach.** This means doing a thorough preparation for each performance review interview, covering all the qualification factors on the Report of Performance for Probationary Employee, STD 636 or the performance factors on the Individual Development Plan, STD 637. No shortcuts, no “quickie” evaluations because you are under pressure, and no skipping questions on the form because you don’t want to bother to think them through.
 2. **Go into the interview with firm, but not fixed, ideas.** A firm idea is based on solid evidence (observations, completed work, etc.). A fixed idea is unchangeable. You should be willing to change your opinions of the employee’s performance if new evidence is revealed during the interview or if you find you’ve misinterpreted the original evidence.
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Step 11: Conduct Timely Probation/Performance Evaluation, Continued

Performance evaluation techniques (continued)

3. **Get the employee to collaborate.** Collaboration means working together. The employee should do thorough pre-evaluation research, should be an active participant in the performance review interview, and should not be allowed to slip into a passive role.
4. **Don't rush.** This applies to pre-evaluation time as well as to the performance review interview itself. Both preparation and interviewing are time-consuming activities. Your efforts will be for naught if you try to do too many things at once, if you allow interruptions, or if you give the employee the impression that you are eager to get it over with.
5. **Be supportive.** Before employees are willing to collaborate, they must believe that nothing that is said will be held against them. In short, they must **trust** you.
6. **Expect problems.** You are likely to encounter some form of disagreement, defensiveness, or outright hostility in some evaluation interviews. It is unrealistic to expect total agreement, and you may have to reconcile yourself to living with a certain amount of disagreement until the next evaluation period.
7. **Aim at a realistic level of growth.** The goals set during the evaluation interviews must be adapted to the individuals. This means you have to reach an honest understanding of their capabilities and encourage them to set their own objectives accordingly.
8. **Review.** Your employees should **always** know how they are doing on the job. This is why periodic reviews are so important. So resist the temptation to postpone them or skip them altogether.

The following page is a checklist of questions that should be answered during an evaluation interview.

Continued on next page

Step 11: Conduct Timely Probation/Performance Evaluation, Continued

**Performance
evaluation
techniques**
(continued)

Checklist During the Evaluation Interview	
Question	Response
	YES NO
Did you discuss each goal or objective established for this employee?	_____
Are you and the employee clear on the areas of agreement? Disagreement?	_____
Did you and the employee cover all positive skills, traits, accomplishments, areas of growth, etc.?	_____
Did you reinforce the employee's accomplishments?	_____
Did you give the employee a sense of what you thought of his/her potential or ability?	_____
Are you both clear on areas where improvement is required? expected? demanded? desired?	_____
What training or develop recommendations did you agree on?	_____
Did you indicate consequences for non-compliance, if appropriate?	_____
Did you set good objectives for the next evaluation period?	_____
Objective?	_____
Specific?	_____
Measurable?	_____
Standard to be used for evaluation?	_____
Time frame?	_____
Did you set a time for the next evaluation?	_____
Did you confirm what your part would be? Did the employee confirm his/her part?	_____
Did you thank the employee for his/her efforts?	_____

Supervisor's Working File

Policy

It is the policy of the DGS for managers and supervisors to establish and maintain a working file for each of his/her employees. The 'file' is established at the time the employee begins work. The supervisor's working file **shall** include only information directly related to an employee's work performance on the job. Refer to the Personnel Operations Manual ([POM](#)) [section on OPF](#) for complete details and procedures.

Appropriate material for file

Refer to the appropriate bargaining unit contract for rank and file employees. The contract provides specific material acceptable for a working file.

Note: Bargaining units that do not identify materials which may be kept in a working file or those employees excluded from bargaining refer to the list of acceptable items below:

- Employee's job application
 - Report of performance
 - Signed essential functions duty statement
 - Physical description of the position form
 - Training requested/received documentation
 - Emergency information/physician designation (**this includes telephone numbers for "call back" or to cancel pre-authorized overtime prior to the employee reporting**)
 - Individual Development Plan
 - Leave balances and related information, i.e., alternate work schedule calendar, vacation/annual leave requests (**any medical information shall be sent to OHR medical file; retention in working files is unauthorized EXCEPT for leave of absence request, temporary limited duty, or Family Medical Leave Act requests for time keeping purposes only – at the end of the leave or temporary limited duty; forward to OHR for placement in the employee's medical file**)
 - Work performance and conduct documentation, such as formal and informal counseling memorandums, **as long as the employee has full knowledge of these documents**
 - Subject to Proper Placement (STPP) form; a copy of this form or reasonable accommodation approval(s), if applicable to the employee, may be retained in the working file
 - Log sheet indicating name, date, and why file was reviewed as long as the employee has given individual written consent to review, except for investigatory purposes
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Supervisor's Working File, Continued

Inappropriate material for file

Inappropriate material for a supervisors' working file is defined as "information of a personal nature unrelated to the employee's job or work performance," which includes information such as:

- A physical description of the employee
- Employee's home address (a telephone number in case of emergency, "call back" or to cancel pre-authorized overtime prior reporting to work, may be retained)
- Financial information (i.e., garnishments; child support; SDI; disability payments; credit reports; bankruptcy; workers' compensation settlement; etc.)
- Medical history information (i.e., FMLA or TLD, except as noted above); medical reports [STD 910, STD 610 & 2066]; workers' compensation information
- Employment history information (i.e., SCO print out, copy of PAR, etc.)

Below are examples of inappropriate material that **must** be purged from the supervisor working file:

- Health Insurance
- Dental Insurance
- Direct Deposit
- Flex-Elect
- Health questionnaire/medical (STD 610, STD 910, SPB 2066)
- Employment verifications
- State Controller's Office employment history
- Workers' compensation documents – send to the Return-to-Work Coordinator in the Office of Risk and Insurance Management (ORIM)

NOTE: *Be aware that the above list identifies a small number of documents inappropriate for a supervisor working file and should not be considered all inclusive.*

Relevance and necessity of information

Before including information in a working file ask yourself these simple questions. They will assist you in determining if the information should be retained in the working file:

- How will I use the information?
- Will it impair my supervisory responsibilities if I did not have it?
- How would the employee feel if they were to review the information contained in the file?

Legal Issues

Overview

Throughout the recruiting, interviewing, and hiring process, you must be aware of the laws that govern your actions. Asking the wrong question or making the wrong statement at the wrong time could be interpreted as discriminatory. This section outlines the laws, provides some definitions of terms, and provides a look at some questionable questions, all of which will make you more aware of possible trouble spots in an interview.

Many of you feel that so many laws, regulations and policies make the overall recruitment process a restrictive one. In fact, it is not. The intent of these laws, regulations, and policies is to ensure that you are focusing on job qualifications and not taking into account other information that is discriminatory. If you are focusing on *bona fide* occupational qualifications when you are interviewing, you are well within the law.

It is also necessary to keep good records. Creating essential functions duty statements at the front end and documenting your decision making process at the back end are two things you can do to protect yourself and DGS in the event a decision is ever challenged.

Federal regulations governing employment

Below is a list of most of the federal laws that govern the employment process. If you ever have any questions concerning these laws or the legality of your actions, please contact your Classification and Pay (C&P) Analyst.

- Title VII of the Civil Rights Act of 1964 (EEOC)
 - Executive Order 11246 (Affirmative Action)
 - Uniform Guidelines on Employee Selection Procedures
 - Age Discrimination in Employment Act of 1967
 - Americans with Disabilities Act of 1990 (ADA)
 - Section 504 of the Rehabilitation Act of 1973
 - Vietnam Era Veterans Readjustment Act of 1974
 - Employee Polygraph Protection Act
 - Fair Labor Standards Act (FLSA)
 - Immigration Reform and Control Act of 1986 (I9)
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Continued on next page

Legal Issues, Continued

State regulations governing employment

Below is a list of most of the State laws that govern the employment process:

- State Personnel Board
- Department of Personnel Administration
- Department of Fair Employment and Housing
- Memoranda of Understanding (Bargaining Unit Contracts)
- Information Practices Act

Definition of terms

Below are some terms that are commonly used in the context of the laws governing employment:

- Disparate treatment - occurs when an employer treats some people less favorably than others because of their race, color, religion, sex, national origin, age, or other protected status. Proof of discriminatory motive is usually critical in disparate treatment cases.
- Disparate (adverse) impact - occurs when employment practices that are facially neutral (appear on the surface not to have an impact) in their treatment of different groups, in fact, have a measurably adverse impact on one group more than other groups and cannot be justified by business necessity.
- Bona fide occupational qualification (BFOQ) - is any skill, knowledge set, past experience, behavior, or personal characteristic which can be objectively demonstrated to be a requirement for an individual to perform successfully on a job.

Continued on next page

Legal Issues, Continued

Definition of terms
(continued)

- Handicapped or disabled - Any person who has a physical or mental impairment that substantially limits one or more of the person's major life activities, has a record of such impairment, or is regarded as having such impairment. The term "handicapped" is no longer considered politically correct.
- Sexual harassment –
 1. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
 - submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
 - such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
 2. Offensive comments, jokes, innuendos, and other sexually oriented statements.
- Implied contract - Any statements made to prospective employees by any DGS representative which imply that a specific event will occur within a specific period of time, e.g., "You can work here until you retire" or "You will receive a raise in six months." If the promise made in an implied contract does not occur, the person receiving the promise has a cause of action. In other words, if in an interview, a manager tells a candidate s/he can work here until they retire and the candidate is hired and subsequently laid off, the candidate can sue for the wages lost from the time of the lay off until the anticipated time of retirement. The lesson is this: In an interview, never make statements about the future in definite terms.

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Legal Issues, Continued

What questions are illegal to ask?

A common question asked by managers/supervisors is, “What questions are illegal to ask?” By point of law, no control agency specifically defines “illegal questions.”

Many employers have been successfully sued not because they asked certain questions *per se*, but because they were shown to have solicited illegal information and then used that information in their decision making process. Refer to Step 6 “Conduct the Interviews” section of this manual for a list of questions, which may be legal or illegal.

Conclusion

Summary

As you can see the hiring process has many facets. The more attention you give to every facet of the process, the better your chances are of a positive hiring experience. It is anticipated that when the eleven basic steps in the hiring process have been followed, you will have selected the best qualified, skilled, and motivated employee for DGS. This will ensure the continued support for the Department and the Department's mission

Even if you only hire one person each year, you can't afford to take the process lightly. All of the training and good management in the world is no substitute for good people. By following the steps outlined in this manual, you can greatly increase your chances of surrounding yourself with people who are truly effective at their jobs.

One fact holds true despite the type of business or position you are hiring for:

**Your success depends on the quality
and effectiveness of the people you hire.**

So, if you want to hire the best, you'll need to sharpen your hiring skills. This manual provides you with the basics you need to hire good people. The material is easy to understand, but don't fool yourself: Applying these ideas **effectively** and **consistently** will be one of your biggest management/supervisory challenges.

GOOD LUCK!!!!!!

Supervisor's Handbook

The Department of Personnel Administration (DPA) has published a Supervisor's Handbook, which may be helpful in performing your job. You can access the handbook at http://www.dpa.ca.gov/general/Supervisors_Handbook.pdf.

Hiring supervisor's checklist

A [Hiring Supervisor's Checklist](#) has been developed to assist you in the hiring process. It was developed so that you could ensure all steps were completed when making a hire. Click on the above link for access to the checklist.
